Bureau File

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Sub A

Section 8

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UPI-14

(POWELL)

BIMINI, THE BAHAMAS--ADAM CLAYTON POWELL SAID YESTERDAY WILL LAUNCH A DRIVE AGAINST "WHITE RACISM" NEXT MONTH IN HIS CAMPAIGN FOR REELECTION TO CONGRESS.

THE HARLEM DEMOCRAT, OUSTED FROM CONGRESS FOR ALLEGED MISUSE OF TAXPAYERS' FUNDS, ALSO SAID HE MAY SUPPORT NEW YORK GOV. NELSON A. ROCKEFELLER FOR PRESIDENT.

POWELL, AT A NEWS CONFERENCE, ATTACKED CHICAGO MAYOR RICHARD DALEY'S ORDER FOR POLICE TO SHOOT ARSONISTS AND LOOTERS AS "THE BEGINNING OF OFFICIALLY SANCTIONED GENOCIDE IN AMERICA."

"WHITE RACISM IS NOTHING BUT THE ATTITUDE AND FRAMEWORK FOR AN ULTIMATE POLICY OF GENOCIDE AGAINST BLACK PEOPLE," POWELL SAID. HE SAID RACISM WAS RESPONSIBLE NOT ONLY FOR THE ASSASSINATION OF DR. MARTIN LUTHER KING JR., BUT ALSO FOR HIS OWN OUSTER FROM THE HOUSE LAST YEAR.

ON HIS OWN CANDIDACY AND THE PRESIDENTIAL CAMPAIGN, POWELL SAID HE HAS BEEN IN "CONSTANT TOUCH WITH BLACK POLITICAL LEADERS" AROUND THE UNITED STATES.

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WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

Powell Has Surgery Here; He's OK, But No Visitors

Adam Clayton Powell
... prostate trouble?

Former Harlem Congressman Adam Clayton Powell underwent surgery Tuesday at Jackson Memorial Hospital and was taken immediately to a room with a "no visitors" sign posted on the door.

Hospital officials, who refused to say why Powell had required surgery, said he was in "satisfactory" condition late Tuesday.

Powell told newsmen in Bimini last week that he was suffering from minor prostate gland trouble.

He flew from Bimini to Miami Sunday and checked into the hospital for a day and a half of tests before he was admitted to surgery Tuesday morning.

Hospital officials said Powell's chief concern during his indefinite stay in Miami is "for peace, quiet, rest and relaxation."

The usually talkative Powell has refused to receive any calls or visitors in his three days at the hospital.

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

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The MIAMI HERALD

Miami, Florida

Date: 4/24/68
Edition:
Author:
Editor:
Title:
ADAM CLAYTON POWELL
Info concerning
Character:
[MM]
Classification:
Submitting Office: Miami

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Powell Says He'll Join Poor People's March

By William R. Cary
Special to The Washington Post

NEW YORK, N.Y., May 8 — The Rev. Adam Clayton Powell came home to Harlem today and told his people he would join the Poor People's March on Washington.

Preaching for an hour to an audience that filled his Abyssinian Baptist Church, the former Congressman said black men must "put on the armor of action" and act by participating in demonstrations and marches such as the Poor People's. Then in an aside, he added, "I'll be marching in that march."

Mr. Powell said later he would telephone the march leader, the Rev. Ralph Abernathy, to make arrangements for joining the march.

Charles 37X Kenyatta, Harlem's number one Mau-Mau, said he would join Mr. Powell at the march. Kenyatta sat in the pulpit as Mr. Powell talked.

A group of students from Columbia University hobbled at the press conference for a meeting with Mr. Powell. He pledged his time and health to their battle against the Columbia administration.

Mr. Powell picked up the theme he shed here in late March during his last trip to Harlem. He spoke of a "revolution of the young against the establishment," and said: "There isn't anybody that can control what is going to happen in the United States this summer."

He re-emphasized that he foresees a youth revolution, not a black one, and cited recent disorders in the United States and Germany as examples.

Mr. Powell told newsmen he would return to New York in two weeks to continue his campaign for re-election in November.

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THE 'NEW' POWELL IS READY TO COME BACK AS 'LOW MAN'

NEW YORK (UPI)—Calling himself the "new" Adam Clayton Powell, the former congressman says he is ready to go back to Congress as the "low man on the totem pole."

"I'd sooner be low man on the totem pole, and in Congress, because the nation needs me," said the 59-year-old Powell who was ousted from his seat last year over charges of misuse of public funds and defiance of the courts.

Despite victory in a special election in April, 1967, Powell said he could not be seated until the 91st Congress next year because of the House resolution excluding him from the 90th session.

"If they rescind the resolution, I'd walk down that aisle tomorrow," he said yesterday. "And I'd say, 'Mr. Speaker, here I is, sir.'"

Powell, who is running for re-election in the Harlem district he has represented for more than 20 years, spoke to newsmen following a sermon to 2,000 persons at the Abyssinian Baptist Church where he is pastor.

"Whether you like it or not," he told the worshipers, "you are looking at the new Adam Clayton Powell. I hope you do."

At the news conference, Powell praised student rebels at Columbia University for taking "the violent line" in their protest against university policy.

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POWELL EXHORTS CROWD TO PICKET

Genesis Apartment Complex and Hospital at Rally

Glance (Almost)

...ring crowd that ... the auditorium of the Abyssinian Baptist Church for a political rally yesterday heard Representative Adam Clayton Powell Jr. call for the picketing of Harlem Hospital and the Lenox Terrace apartment complex.

He challenged the Negro crowd to show the same zeal that he said was displayed by the "young white students at Columbia."

Mr. Powell, pastor of the church at 132 West 138th Street and a candidate for reelection as 18th District Representative, charged in his campaign speech that Columbia University had bought Lenox Terrace and was raising the rents to "kick out the blacks."

This was promptly denied by a spokesman for the university —"for the umpteenth time," he said. The spokesman said that Columbia owns no property at all in Harlem and does not want to own any there.

Mr. Powell also charged that since Harlem Hospital had become affiliated with Columbia-Presbyterian Medical Center, in 1951, Negro officials had been ousted to make way for whites.

Harold Logan, assistant affiliation coordinator for the hospital, said later at his home in Princeton, N. J., that "basically, there are more Negro directors at Harlem Hospital now than at any time in its history." He said a detailed answer probably would be prepared after a study of Mr. Powell's charges.

The six 200-family towers of Lenox Terrace rise just south of the pale blue brick of the new hospital building, east of Lenox Avenue between 123d and 125th Streets.

Mr. Powell told the rally myself that he was delivering the first chapter — entitled "The Massacre of Harlem by Columbia University" — of a series, "How Harlem Got a Future."

"When I come back, two weeks from Friday, I hope to see pickets at Harlem Hospital and at Lenox Terrace," he said, and the crowd of about 250 cheered.

...Powell, the Democratic ...dent in Part 3 of the 72d ...District, to the date ... at Lenox Terrace ... and had been ... that her rent will be ...creased from $144 a month ... $180.

... date on Mr. Powell was ...ained from the rally by six ...massive young men who ...stood behind him while he ...spoke, and whom he introduced as "my commandos," Mrs. Bell ...stood off to the side and told ...now, the week after Easter, ...she had received a note telling ...her that her rent would be ...raised.

She said that she did not know who owned the apartments but that she did know that rent-rise notices had been ...nt to several tenants, "some $40 a month, all kinds of insane stuff." In the seven years that she has lived there, Mrs. Bell said, the rent has only gone up a couple of times, and then only by about $4.

For Mr. Powell, who faces a challenge in the Democratic primary on June 18 from John H. Young, the rally was one of two public appearances yesterday. He preached at the 11 A.M. service, turning at one point to gesture at the blue stained-glass window above the choir loft and say, "Jesus didn't look like that."

Adam Clayton Powell speaking at the Abyssinian Baptist Church here yesterday.

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Powell Criticizes Columbia

NEW YORK, May 19 (UPI)—Former Rep. Adam Clayton Powell (D-N.Y.) today charged Columbia University with "the massacre and emasculation of Harlem."

At a crowded rally in the basement of his Abyssinian Baptist Church in Harlem, Powell told more than 200 persons that Columbia was systematically placing bordering Harlem in the hands of whites.

Powell was flanked by five "commandos" who stood with arms folded while he spoke for more than half an hour. He said he had a premonition "that something was going to happen" when he was in Durham, N.C., April 4 and the Rev. Dr. Martin Luther King Jr. was assassinated in Memphis.

"That's why you see these young men around me," Powell said of the husky bodyguards. "These are my commandos."

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POWELL 5/29 WA
NIGHT LD
BY DANIEL RAPOPORT

WASHINGTON (UPI) --FORMER REP. ADAM CLAYTON POWELL, D-N.Y., HAS APPEALED HIS EXCLUSION BY THE HOUSE TO THE SUPREME COURT IN HOPES OF RECOVERING HIS BACK PAY AND 22 YEARS OF SENIORITY IN THE EVENT HE IS ELECTED TO A NEW TERM IN NOVEMBER.

THE APPEAL, FILED JUST BEFORE THE TUESDAY MIDNIGHT DEADLINE, IS JUST A TECHNICALITY. IT SEEKS COURT REVERSAL OF THE 1967 HOUSE DECISION TO BAR HIM FROM TAKING HIS SEAT IN THE 90TH CONGRESS, WHICH ENDS THIS YEAR, PROBABLY BEFORE THE NATIONAL POLITICAL CONVENTIONS IN AUGUST.

THERE IS ALMOST NO CHANCE THE COURT WILL ACT ON POWELL'S APPEAL IN TIME FOR HIM TO BE SEATED THIS YEAR. IT WILL RECESS IN ABOUT TWO WEEKS UNTIL OCTOBER, AND EVEN IF IT AGREES TO CONSIDER THE CASE THE COURT PROBABLY WILL NOT ACT ON IT UNTIL NEXT YEAR.

THE U.S. COURT OF APPEALS LAST FEBRUARY UPHELD A DISTRICT JUDGE'S RULING THAT THE COURTS HAVE NO JURISDICTION IN THE "INTERNAL OPERATIONS" OF CONGRESS.

MEANWHILE, POWELL HAS BEGUN CAMPAIGNING FOR ELECTION TO THE 91ST CONGRESS, WHICH WILL CONVENE IN JANUARY. WITHOUT A FAVORABLE RULING BY THE SUPREME COURT, HE SAYS HE WOULD HAVE TO RETURN TO THE HOUSE--IF ELECTED--AS A FRESHMAN CONGRESSMAN.

HIS LAWYER, WILLIAM KUNSTLER OF THE AMERICAN CIVIL LIBERTIES UNION, SAID POWELL COULD COLLECT $55,000 IN BACK PAY AND REGAIN HIS SENIORITY IF THE SUPREME COURT UPHELD HIS ARGUMENT THAT THE HOUSE ACTION WAS UNCONSTITUTIONAL.

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POWELL'S SENIORITY EARNED HIM THE CHAIRMANSHIP OF THE HOUSE EDUCATION AND LABOR COMMITTEE BEFORE HIS COLLEAGUES DECIDED HE HAD ABUSED GOVERNMENT PAYROLL AND TRAVEL FUND PRIVILEGES AND HAD DISCREDITED CONGRESS BY HIS CONTEMPT CITATION IN NEW YORK STATE COURTS.

POWELL COMPLAINED IN HIS ORIGINAL SUIT THAT THE HOUSE WAS WRONG IN DENYING HIM HIS SEAT BECAUSE HE FULFILLED THE CONSTITUTIONAL REQUIREMENTS OF AGE, CITIZENSHIP AND RESIDENCY FOR ELECTION. THE HOUSE CITED A CONSTITUTIONAL PROVISION THAT IT "SHALL BE THE JUDGE OF THE ELECTIONS, RETURNS AND QUALIFICATIONS OF ITS OWN MEMBERS."

IN HIS APPEAL TO THE HIGH COURT, POWELL CITED A CONTRAST BETWEEN HIS TREATMENT BY A SPECIAL HOUSE INVESTIGATING COMMITTEE AND THAT GIVEN SEN. THOMAS DODD, D-CONN., WHO WAS CENSURED BY THE SENATE ON GROUNDS OF FINANCIAL MISCONDUCT.

POWELL SAID HE WAS DENIED THE "ELEMENTARY RIGHTS OF DUE PROCESS OF LAW" BECAUSE HE WAS TOLD THE HOUSE COMMITTEE WAS NOT CONDUCTING AN ADVERSARY HEARING. POWELL NEVER ACCEPTED A COMMITTEE INVITATION TO TESTIFY. HIS LAWYERS WERE NOT PERMITTED TO CROSS-EXAMINE WITNESSES.

DODD ATTENDED HIS SENATE ETHICS COMMITTEE HEARINGS AND HIS LAWYERS WERE PERMITTED TO CROSS-EXAMINE.

POWELL SAID IN HIS APPEAL THAT "THE BASIC UNCONTESTED FACTS LEADING UP TO THE HOUSE'S EXTRAORDINARY UNCONSTITUTIONAL ACTION...HAS RESULTED IN A CRISIS DECISIVE TO THE FUTURE OF REPRESENTATIVE DEMOCRATIC IN THIS COUNTRY."

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UPI-21

(POWELL)

WASHINGTON--ADAM CLAYTON POWELL APPEALED HIS EXPULSION FROM THE HOUSE TO THE SUPREME COURT TODAY.

IN AN APPEAL FILED JUST BEFORE THE MIDNIGHT DEADLINE, THE NEW YORK DEMOCRAT CHARGED THE OUSTER WAS UNCONSTITUTIONAL.

THE HARLEM POLITICAL LEADER ASKED THE COURT TO OVERTURN A LOWER COURT DECISION WHICH THREW OUT HIS SUIT FOR REINSTATEMENT. THE U.S. COURT OF APPEALS HANDED DOWN ITS RULING ON FEB. 28. A 90-DAY PERIOD FOR FILING APPEALS EXPIRED AT MIDNIGHT TUESDAY.

POWELL WAS BARRED FROM TAKING HIS SEAT IN THE 90TH CONGRESS ON MARCH 1, 1967. THE HOUSE VOTED AFTER CONSIDERING ALLEGATIONS THAT HE HAD MISAPPROPRIATED GOVERNMENT TRAVEL AND PAYROLL FUNDS UNDER HIS SUPERVISION AND THAT HE HAD BROUGHT DISCREDIT ON CONGRESS THROUGH HIS CONDUCT IN A SERIES OF NEW YORK COURT CASES.

POWELL PROMPTLY ASKED THE FEDERAL COURTS TO OVERTURN THE VOTE ON GROUNDS THAT THE "EXCLUSION" PROCESS EMPLOYED BY THE HOUSE WAS UNCONSTITUTIONAL.

A U.S. DISTRICT JUDGE IN WASHINGTON RULED THAT THE COURTS HAD NO BUSINESS INTERFERING WITH THE "INTERNAL OPERATIONS" OF CONGRESS. THE APPEALS COURT UPHELD THAT DECISION ALTHOUGH THE THREE JUDGES DIFFERED ON WHETHER THE COURTS EVER COULD INJECT THEMSELVES INTO SUCH A DISPUTE.

THE SUPREME COURT HAS ONLY ABOUT TWO WEEKS REMAINING IN ITS CURRENT TERM BEFORE IT RECESSES UNTIL OCTOBER. IT WOULD PROBABLY NOT BE UNTIL SOMETIME IN 1969 BEFORE THE COURT ACTS ON THE CASE, IN THE EVENT IT EVEN AGREES TO CONSIDER IT.

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WASHINGTON CAPITAL NEWS SERVICE

Powell Files Appeal With High Court

Adam Clayton Powell yesterday appealed his ouster from the House to the Supreme Court, charging he was denied "the elementary rights of due process of law."

The New York Democrat, in an appeal filed just before the midnight deadline, charged that his exclusion from the House was an "extraordinary unconstitutional action."

Powell told the court the House committee which heard his case denied him "the elementary rights of due process of law" upon the "rather astounding ground that 'this is not an adversary hearing.'"

He said this ruling that the proceeding was merely an "inquiry" was in sharp contrast to the procedures used by the Senate against Sen. Thomas Dodd (D-Conn.).

Powell said, "The basic uncontested facts leading up to the House's extraordinary unconstitutional action . . . has resulted in a crisis decisive to the future of representative democracy in this country."

Powell was barred from taking his seat in the 90th Congress on March 1, 1967. The House voted after considering allegations that he had misappropriated government travel and payroll funds under his supervision and that he had brought discredit on Congress through his conduct in a series of New York court cases.

Powell promptly asked the federal courts to overturn the vote on grounds that the "exclusion" process employed by the House was unconstitutional.

[redacted] District Judge in Washington ruled that the courts had no business interfering with the "internal operations" of Congress. The appeals court upheld that decision.

The Supreme Court has only about two weeks remaining in its current term before it recesses until October. It would probably not be until sometime in 1969 before the court acts on the case, in the event it even agrees to consider it. Powell is running again for Congress in November.

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Powell Wins Again, but Majority Is Down

NEW YORK, June 27 (AP) — [illegible] Powell, making his 20th term in the House, has edged his former great majority yesterday in the Democratic primary race in Harlem's 18th Congressional District.

Mr. Powell, however, failed to poll the [illegible] margin. He defeated John H. Young by a vote of about 3-2 in light balloting.

Mr. Powell, excluded from Congress by his House colleagues more than one year ago for alleged misuse of public funds, won a special election to fill the vacant seat last year. But he declined to claim the seat, preferring rather to fight the exclusion in the courts in hopes of preserving his seniority.

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Widow Resumes Case Against Powell

By KEITH EVANS ASBURY

The eight-year-old court battle between Adam Clayton Powell and Mrs. Hazel James resumed in Supreme Court yesterday before Justice Gerald P. Culkin.

Neither Mr. Powell nor his 72-year-old widow, who sued for and collected from him for defaming her, was present.

Lawyers representing them argued over whether Mr. Powell was liable for $1-million "the cost of the chase" incurred in winning the slander suit. They also argued over whether Mrs. James could press her claim against real estate formerly owned by Mr. Powell in Puerto Rico.

Raymond Rubin, attorney for Mrs. James, declared that the property was worth more than $50,000, and that it had been "fraudulently conveyed" to relatives to thwart Mrs. James.

Property Transferred

The property, St. Raymon, was conveyed April 17, 1963, by Mr. Powell and his wife, Yvette, to her uncle and aunt, Gonzalo and Carmen Diago.

Mr. Rubin argued that the transaction took place "less than two weeks" after Mrs. James had obtained a judgment against Mr. Powell "and before it lien could have been obtained on the property in Puerto." He said he had not learned of this until the following January.

Henry R. Williams, attorney for Mr. Powell, asked Justice Culkin to dismiss the suit on the grounds that Mr. Powell had already paid Mrs. James what the court ordered. He also argued that Mr. Rubin was not entitled to sue against Puerto Rican property, because he had not registered the judgment in the island commonwealth.

In March, 1967, the Court of Appeals, the state's highest tribunal, ordered that the question of "the cost of the chase" — that is, the cost of collecting the judgment — be sent back to the Supreme Court here and retried on the basis of Puerto Rican laws instead of the laws of New York.

Initiated in 1960

Mrs. James sued Mr. Powell for having called her a "bag woman," or graft collector, for the police. The charge was made on a television program in March, 1960.

After lengthy litigation during which there were numerous adjournments and eventual contempt citations, following Mr. Powell's contention that he was too busy with Congressional duties to appear — Mrs. James was awarded $211,729.35. This was later reduced to $66,729.35.

Further litigation followed, during which Mr. Rubin sought to locate [illegible] Powell's assets. The cost and liability of this "chase" was the basis of the suit argued yesterday.

Mr. Williams declared yesterday that Mrs. Powell had fully paid the full amount and interest of the judgment on June 21, 1967, his obligation to Mrs. James ended.

Justice Culkin reserved decision, but [illegible]

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NEW YORK—A [redacted] contempt of court conviction against ousted Congressman Adam Clayton Powell was upheld yesterday by the Appellate Division of State Supreme Court by a 3-to-2 vote.

Powell was originally sentenced to 30 days in jail and fined $500 on the conviction stemming from his refusal to pay a slander judgment won by a Harlem widow.

The contempt citation preceded Powell's ouster from Congress in 1967. He was later re-elected, but never claimed his seat. Last month he won the Democratic nomination to run again.

Henry R. Williams, an attorney for Powell, said he has not decided whether to make a further appeal to New York's highest court, the Court of Appeals in Albany.

10,000 Jobs

NEW YORK—Twenty-four hours after a violent demonstration by 1500 youths in front of City Hall, Mayor John V. Lindsay announced at least $8 million would be spent to create 10,000 more summer jobs for slum youngsters.

The extra city money will be added to an additional $1 million in Youth Corps funds that Secretary of Labor Willard Wirtz said the city would get. Provided allocations will pay for 25,000 jobs.

[redacted] Wednesday the organized by 32 neighborhood Youth Corps groups to demand the restoration of more than 20,000 summer jobs, which had been lost when Congress voted a reduction in antipoverty funds.

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Court Upholds Adam Powell's '66 Conviction

by Lawrence Armstrong

Adam Clayton Powell

Powell ... legal steps to perfect his appeal after being found guilty in November 1966, [illegible]

Supreme Court Justice Arthur Markewich sentenced Powell to 30 days in civil jail and fined him $500 on the criminal contempt charge in 1966.

The contempt conviction stemmed from Powell's refusal to acknowledge court orders to pay a slander judgment won by Harlem widow Esther James, 59.

Judgment Reduced

A jury found Powell guilty of defaming Mrs. James by calling her a "bag woman" for crooked police on a 1960 TV program. A $211,739 judgment was subsequently reduced. Powell has paid $24,000.

In a dissenting opinion yesterday, Presiding Justice Bernard Botein said: "The right of appeal from an adjudication entailing loss of liberty and reputation is a valuable right, and if there are doubts as to the technical adequacy of its exercise they should be resolved in favor of the accused."

Powell's attorney said he had not yet decided whether to make a further appeal. Markewich paroled Powell on March 22 pending the outcome of the appeal.

Won Special Election

After Powell was refused his seat in Congress, he won a special election for the same seat. He had not yet tried to get back into the House of Representatives. He recently won the Democratic nomination for Congress in Harlem's 18th Congressional District. [illegible]

In one of the [illegible] against Powell, Raymond Rubin, Mrs. James' attorney, brought a $1 million Supreme Court [illegible] Rubin asked that upon the [illegible] seat of the chair" in the chamber

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Powell to Appeal Ruling Upholding Jail Sentence

Adam Clayton Powell notified the State Supreme Court yesterday that he would appeal a 3-2 ruling of the Appellate Division last Thursday upholding his 30-day jail sentence for criminal contempt of court.

Henry R. Williams, Mr. Powell's lawyer, filed the notice of appeal, which is not expected to be heard by the Court of Appeals, the state's highest court, until after Labor Day.

The former Representative was found guilty of deliberately ignoring court mandates ordering him to appear for a financial examination in a defamation case that he subsequently lost to Mrs. Esther James, a Harlem widow. He had described her on a television program as a "bag woman," or go-between for gamblers and crooked police.

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The National Observer
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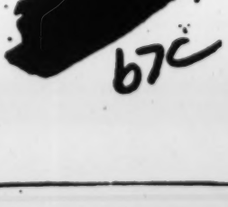

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UPI-96
(POWELL
NEW YORK--ADAM CLAYTON POWELL WON ANOTHER REPRIEVE MONDAY IN HIS BATTLE TO OVERTURN A 30-DAY CONTEMPT OF COURT SENTENCE WHICH HAS BEEN HANGING OVER HIS HEAD FOR NEARLY TWO YEARS.
CHIEF JUSTICE STANLEY H. FULD OF THE COURT OF APPEALS, THE STATE'S HIGHEST COURT, GRANTED POWELL A HEARING SEPT. 24 ON THE APPEAL OF HIS CONVICTION, WHICH WAS UPHELD JULY 11 BY THE APPELLATE DIVISION OF THE STATE SUPREME COURT.
THE SENTENCE, HANDED DOWN IN NOVEMBER, 1966 WHEN POWELL FAILED TO APPEAR IN COURT IN CONNECTION WITH A LIBEL JUDGEMENT AGAINST HIM, GREW OUT OF THE NEW YORK CONGRESSMAN'S LONG BATTLE WITH MRS. ESTHER JAMES, A HARLEM HOUSEWIFE.
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POWELL: BLACK BROTHERHOOD

We're in the Saddle, Says Adam

ST. LOUIS, Mo. Aug. 10 (UPI) — "Black power swarms the hall and all of the [illegible] men today," Adam Clayton Powell said yesterday.

"Nobody has control of my mare. We're in the saddle and we're going to stay there," Mr. Powell told a Negro audience.

The Pastor of Harlem's Abyssinian Baptist Church, on his visit to St. Louis from his Bimini retreat, banged his fist on the lectern.

"Black power means pride in being black," he said. "It means integrity. But more than that, it means black brotherhood."

The audience of about 300 relatively affluent-appearing Negroes applauded and laughed frequently during the speech. Black clad guards representing a group known as the Black Liberators protected the stage.

"The black man who doesn't vote doesn't deserve to walk the streets of America," Mr. Powell said. "And the man who gives his money to the white man's invest . . . should be ostracized from black society."

"If any black man or black woman is in a position of influence and doesn't use it to help the black people, he should be put out of the way," Mr. Powell said.

"Buy where the owners stay black and don't buy where you can't work," he said.

The Black Liberators, who took it upon themselves to guard Mr. Powell from the time he arrived in St. Louis Friday, did not display arms yesterday.

This was in contrast to the group's appearance Saturday when Mr. Powell took a brief walk thru a Negro area of St. Louis.

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FOWELL: BLACK BROTHERHOOD

We're in the Saddle, Says Adam

ST. LOUIS, Mo. Aug. 10 (UPI) — "Black power scares the hell out of the white man today," Adam Clayton Powell said yesterday.

"Nobody can control us any more. We're in the saddle and we're going to stay there," Mr. Powell told a Negro audience.

The Pastor of Harlem's Abyssinian Baptist Church, on a visit to St. Louis from his Bimini retreat, banged his fist on the lectern.

"Black power means pride in being black," he said. "It means integrity. But more than that, it means black brotherhood."

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Powell Tells Candidates to Heed Negro

By HARRY SCHLEGEL

[redacted]

[redacted]

Adam Clayton Powell

(Humphrey's) acceptance speech and his vice presidential candidate," he explained.

At the Abyssinian Baptist Church at 132 W. 138th St., where he is pastor, Powell warned the political brass of both parties that no White House hopeful would be welcome in Negro communities unless he first cleared the way with elected leaders there.

"No candidate of either party going to use Harlem as a plantation," the flamboyant Powell told newsmen.

Describing Rabbi Jack and Harold Davies as the respective Democratic and GOP leaders of Harlem, Powell said they politics so disregarded his warning [redacted]

54 AUG 1968

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Powell, All Strut On Times Square

NEW YORK, Aug. 24 (AP)—Adam Clayton Powell vilified Times Square today with former heavyweight champion Muhammad Ali and told passers-by he was showing Ali "our town."

The ousted Congressman, dressed in white slacks, white turtleneck and gold medallion, said:

"We're here to shake hands with the people and show them what the land of the free and the home of the brave has done to two champions. I'm not in Congress and he's not in the ring."

Earlier, Powell and Ali met briefly with H. Rap Brown, chairman of the Student Nonviolent Coordinating Committee, in the Americana Hotel lobby.

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Powell Asks Court to Nix 30-Day Term

Albany, Sept. 24 (UPI)—Attorneys for Adam Clayton Powell asked the State's highest court today to upset a 30-day jail sentence for contempt of court in a libel case.

They also filed another motion before the Court of Appeals to set Oct. 15 for arguments in the case. There was no indication of when a decision would be handed down on the motions.

Powell, who is a candidate for his old Harlem congressional seat and is expected to win easily, was not present for the brief proceeding.

The contempt conviction was upheld July 11 by the Appellate Division of State Supreme Court.

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UPI-193
(POWELL)

ALBANY, N.Y.--THE COURT OF APPEALS, THE STATE'S HIGHEST COURT, AGREED TODAY TO HEAR AN APPEAL OF ADAM CLAYTON POWELL ON A 30-DAY SENTENCE FOR CONTEMPT OF COURT.

THE COURT SET ARGUMENTS ON THE APPEAL FOR OCT. 15. THE FORMER HARLEM CONGRESSMAN RECEIVED THE SENTENCE IN NOVEMBER, 1966, WHEN HE FAILED TO APPEAR IN COURT IN CONJUNCTION WITH A LIBEL JUDGMENT AGAINST HIM.

POWELL LOST AN APPEAL OF THE SENTENCE IN THE APPELLATE DIVISION OF STATE SUPREME COURT JULY 11 AND TOOK HIS CASE TO THE COURT OF APPEALS.

A MOTION TO TOSS OUT THE CONVICTION WAS DISMISSED TODAY BY THE STATE'S HIGHEST TRIBUNAL.

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WASHINGTON CAPITAL NEWS SERVICE

(Mount Clipping in Space Below)

Powell . . . Turtleneck and medallion.

Powell Says Negroes '68 Losers

Grinnell, Ia. (AP)—Adam Clayton Powell strolled around the Grinnell College campus in a turtleneck sweater and with a dangling medallion Wednesday and declared Negroes, the poor and liberals have lost their chance to elect a sympathetic President.

"This year is finished, and time is no longer on our side," said the Negro minister of the Abyssinian Baptist Church in New York City's Harlem district.

"The poor-black-liberal coalition must be a reality by 1972 or you'll have Richard Nixon as President for eight years."

Powell, who was expelled from Congress in 1967 for alleged misconduct, then re-elected but shorn of his seniority, spent the day on the Grinnell campus under sponsorship of the college's program in practical political education.

Powell, a Democrat, predicted that Mr. Nixon, a Republican, will win the election this year and "the black man will be castrated."

But he declared in an informal talk that before he would support Democratic Vice-President Hubert Humphrey for the Presidency, Mr. Humphrey would have to double domestic programs, impose a law and order policy directed toward "the Mafia rather than purse snatchers," and stop the Vietnam war.

In a talk in the Student Union, Powell said the struggle in the nation "is not black against white, but young people against the establishment."

Powell said there were no major riots in New York last summer because the poverty program is keeping young people off the streets.

"There is no black militant in New York City who isn't working for the poverty program," he said.

He added that Republican Mayor John Lindsay of New York may not be re-elected because "problem relief problems haven't been solved."

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Mr. Mohr
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Mr. Casper
Mr. Callahan
Mr. Conrad
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Mr. Rosen
Mr. Sullivan
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WPI-31B

(POWELL)

WASHINGTON--ADAM ~~CLAYTON~~ POWELL, INTERRUPTING HIS POLITICAL EXILE ON THE CARIBBEAN ISLAND OF BIMINI, RETURNED TO THE NATION'S CAPITAL YESTERDAY WITH COLORFUL WORDS COVERING EVERYTING FROM GEORGE WALLACE TO HUBERT HUMPHREY TO THE "SICK" AMERICAN SOCIETY.

OF WALLACE, THE FORMER HARLEM CONGRESSMAN SAID HE DIDN'T AGREE WITH THE FORMER ALABAMA GOVERNOR "ONE BIT," BUT GAVE HIM CREDIT FOR BEING ONE OF THE FEW PUBLIC FIGURES IN THE COUNTRY WITH "THE GUTS TO SPEAK UP FOR WHAT HE BELIEVES."

HUMPHREY, POWELL TOLD AN AMERICAN UNIVERSITY AUDIENCE, WAS A "YO-YO" AND WOULDN'T RECEIVE POWELL'S SUPPORT UNLESS HE RETURNED TO BEING "THE MAN I KNEW 20 YEARS AGO."

OF AMERICA, POWELL SAID: "WE ARE LIVING IN A GUTLESS SOCIETY, A SICK SOCIETY, AN IGNORANT SOCIETY AND A LUNATIC SOCIETY. BELIEVE HIM "(WALLACE) OR NOT -- I DON'T--BUT THANK GOD THERE IS SOMEONE WHO WILL STAND UP IN THE GREAT TRADITION OF AMERICA AND SPEAK THE TRUTH--AS HE BELIEVES IT."

HE URGED STUDENTS TO CREATE A "NATIONAL CONFERENCE TO SAVE AMERICA" THAT WOULD WORK TO END POLITICAL BOSSISM, NARCOTICS PEDDLING, PROSTITUTION AND ORGANIZED CRIME.

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UPI-36

(POWELL)

NEW YORK--ADAM CLAYTON POWELL WON RE-ELECTION TO THE HARLEM CONGRESSIONAL DISTRICT HE HAS REPRESENTED IN WASHINGTON OR FROM THE ISLE OF BIMINI FOR 26 YEARS.

POWELL, WHO HAD SERVED 24 YEARS IN THE HOUSE UNTIL HE WAS EXCLUDED FOR FAILING TO OBEY COURT ORDERS IN CONNECTION WITH A SLANDER SUIT, DEFEATED REPUBLICAN CANDIDATE HENRY L. HALL BY 36,973 TO 7,296. BOTH POWELL, A DEMOCRAT, AND HALL ARE NEGROES.

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WASHINGTON CAPITAL NEWS SERVICE

Powell to Return With Junior Rank

By ANN WOOD

[illegible] (NEWS Bureau Chief)

Adam Clayton Powell (D.N.Y.) returns to town with the 91st Congress and a whole new ball game, House officials said today.

[illegible] powerful chairmanship of the House Education and Labor Committee will be a freshman member, after losing his 22-year seniority. The House also [illegible] him in March 1967

Adam Clayton Powell
He'll be a freshman again

[illegible] misuse of committee funds and being in contempt of New York courts.

Office Taken Over

Rep. Carl D. Perkins (D-Ky.) succeeded him as chairman, and Rep. James Fulton (R-Pa.) moved into Powell's plush office.

But in January, Powell is free to take his seat, unless another member objects to his being sworn in with the House. Powell would then stand aside and the House would vote on whether to admit him. But Powell has paid a penalty that many members [illegible] harsh enough.

Excluded From 90th

The House voted 307-116 to exclude him from the 90th Congress after a select committee recommended only public censure, a $40,000 fine, loss of seniority and removal of Powell's constant companion, Corinne Huff, from the House payroll.

Powell was reelected in April 1967, but never returned to claim

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UPI-139
(POWELL)

WASHINGTON--THE LEADER OF THE HOUSE MOVE THAT EXCLUDED ADAM CLAYTON POWELL FROM THE 90TH CONGRESS SAID TODAY HE WOULD VOTE TO SEAT THE HARLEM LAWMAKER IN THE NEW CONGRESS, BUT THE ATTITUDE OF THE HOUSE AS A WHOLE TOWARD PWELL IS STILL UNCERTAIN.

REP. LONEL VAN DEERLIN, D-CALIF., WHO STARTED THE ANTI-POWELL MOVE IN LATE 1966. PREDICTED TO UPI THAT "IF THERE IS A VOTE ON SEATING ADAM I BELIEVE IT WOULD BE IN HIS FAVOR, THAT IS TO SEAT HIM."

BUT REPORTS FROM THE LIMITED NUMBER OF OTHER CONGRESSMEN WHO COULD BE REACHED DID NOT BACK UP VAN DEERLIN'S VIEW. NEITHER DID THEY INDICATE OUTRIGHT OPPOSITION TO POWELL. THE HOUSE MOOD GENERALLY AT THIS TIME WAS ONE OF WAIT AAND SEE.

PWELL HAS SAID THAT HE WILL RETURN TO A HOUSE MEMBERSHIP THAT WAS LEFT LARGELY UNCHANGED IN THE NOV. 5 ELECTION TO BE SWORN IN ON JAN. 3. HE IS READY TO ACCEPT THE FACT THAT HIS 22 YEARS OF SENIORITY IS LOST TO HIM AND THAT HE WILL BE RATED AS A FRESHMAN LAWMAKER.

THE HOUSE VOTED 248-176 ON MARCH 1, 1967 TO EXCLUDE POWELL FROM THE 90TH CONGRESS AFTER A SPECIAL COMMITTEE ACCUSED HIM OF MISUSING FUNDS UNDER HIS CONTROL AS CHAIRMAN OF THE HOUSE EDUCATION AND LABOR COMMITTEE.

THE HOUSE FAVORED EXCLUSION AFTER REJECTING THE COMMITTEE'S PROPOSAL TO STRIP LOWELL OF HIS SENIORITY, FINE HIM THE $40,000 WHICH IT SAID HE MISHANDLED, BUT LET HIM KEEP HIS SEAT.

POWELL WAS SUBSEQUENTLY REELECTED IN A SPECIAL ELECTION IN HIS HARLEM DISTRICT AFTER HIS EXCLUSION BUT HE REMAINED ON HIS BIMINI ISLAND HIDEAWAY IN THE BAHAMAS AND DID NOT ATTEMPT TO RECLAIM HIS SEAT. HE WAS OVERWHELMINGLY REELECTED TO THE NEW CONGRESS NOV. 5.

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POWELL 11/14 WA
NIGHT LD
BY GENE BERNHARDT

WASHINGTON (UPI)--ADAM CLAYTON POWELL STILL MAY FACE A FIGHT IN THE HOUSE OF REPRESENTATIVES OVER IS RIGH TO RETURN TO THE SEAT HE WAS DENIED LAST YEAR, EVEN THOUGH HE WON RE-ELECTION HANDILY AS USUAL IN HIS HARLEM CONSTITUENCY NOV. 5.

TECHNICALLY, POWELL WAS EXCLUDED ONLY FROM SITTING IN THE 90TH CONGRESS, WHICH ENDED WHEN CONGRESS ADJOURNED LAST MONTH. THE 91ST CONGRESS CONVENES JAN. 3, AND ANY ONE OF THE 435 MEMBERS OF THE NEW HOUSE COULD OBJECT TO SEATING POWELL, THUS PAVING THE WAY FOR ANOTHER VOTE ON THE ISSUE. THE HOUSE MEMBERSHIP WAS LEFT LARGELY UNCHANGED BY LAST WEEK'S ELECTION.

REP. LIONEL VAN DEERLIN, D-CALIF., THE LEADER OF THE ANTI-POWELL MOVEMENT THAT BEGAN IN LATE 1966, TOLD UPI THURSDAY THAT IF IT CAME TO THAT, HE WOULD VOTE TO SEAT POWELL.

"IF THERE IS A VOTE ON SEATING ADAM, I BELIEVE IT WOULD BE IN HIS FAVOR, THAT IS, TO SEAT HIM," VAN DEERLIN SAID.

BUT REPORTS FROM THE LIMITED NUMBER OF OTHER CONGRESSMEN AVAILABLE FOR COMMENT DIFFERED WITH VAN DEERLIN'S VIEW, ALTHOUGH MOST FELL SHORT OF OUTRIGHT OPPOSITION TO SEATING POWELL.

A TYPICAL RESPONSE CAME FROM REP. CLAUDE PEPPER, D-FLA., WHOSE DEMAND FOR POWELL'S EXCLUSION WAS UPHELD BY THE HOUSE MARCH 1, 1967, BY A VOTE OF 248 TO 176.

"IT DEPENDS ON THE ATTITUDE WITH WHICH HE IS COMING BACK," PEPPER SAID. "IF HE CAME BACK WITH A DIFFERENT MMOOD, A DIFFERENT ATTITUDE TOWARD THE HOUSE THAN WHEN WE VOTED ON HIM LAST TIME, THEN THE HOUSE MIGHT VOTE DIFFERENTLY."

BUT REP. JOHN CONYERS JR., D-MICH., A NEGRO, SAID HE THOUGHT "ADAM IS AT LAST HOME FREE." HE INDICATED THAT SPEAKER JOHN W. MCCORMACK AND HOUSE DEMOCRATIC LEADER CARL ALBERT, OKLA., HAD TOLD HIM THEY FAVORED SEATING POWELL.

ONE OF POWELL'S LAWYERS, WILLIAM KUNSTLER OF NEW YORK, SAID HE DID NOT THINK THE QUESTION OF SEATING THE HARLEM DEMOCRAT AFFECTED HIM LEGALLY. "BUT I CAN'T ANSWER PSYCHOLOGICALLY, EMOTIONALLY OR POLITICALLY. THIS IS HIS DECISION TO MAKE."

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POWELL SAYS HE INTENDS TO PRESENT HIMSELF FOR SEATING IN JANUARY. HE IS READY TO ACCEPT THE FACT THAT HIS 22 YEARS OF SENIORITY IS LOST AND THAT HE WILL BE RATED AS A FRESHMAN IN CONGRESS.

THE HOUSE EXCLUDED HIM AFTER A SPECIAL INVESTIGATING COMMITTEE ACCUSED HIM OF MISUSING FUNDS UNDER HIS CONTROL AS CHAIRMAN OF THE HOUSE EDUCATION AND LABOR COMMITTEE.

HIS COLLEAGUES VOTED FOR EXCLUSION AS WELL AS THE COMMITTEE'S PROPOSAL THAT THEY MERELY STRIP POWELL OF HIS SENIORITY AND FINE HIM $40,000.

POWELL SUBSEQUENTLY WAS RE-ELECTED IN A SPECIAL HARLEM ELECTION, BUT HE REMAINED ON HIS BIMINI ISLAND HIDEAWAY IN THE BAHAMAS AND DID NOT ATTEMPT TO RECLAIM HIS SEAT, CHOOSING INSTEAD TO CHALLENGE THE HOUSE ACTION IN THE COURTS IN THE HOPE OF RETAINING HIS SENIORITY IF HE WERE PERMITTED TO RETURN. THE SUPREME COURT HAS YET TO DECIDE WHETHER TO GRANT POWELL A HEARING.

"THE SITUATION WAS CHANGED CONSIDERABLY," SAID VAN DEERLIN, FROM THE DAY IN NOV., 1966, WHEN HE ANNOUNCED HE WOULD SEEK TO BEN POWELL FROM THE 90TH CONGRESS BECAUSE A NEW YORK STATE COURT CONVICTED POWELL OF SLANDERING A HARLEM WOMAN.

"HE'S NOT A FUGITIVE FROM THE NEW YORK STATE COURTS AND THERE IS NO REASON NOW FOR US TO STAND IN HIS WAY," VAN DEERLIN SAID. "I DON'T WANT TO GO DOWN THAT ROAD (OF OPPOSITION TO POWELL) AGAIN."

A SPOKESMAN FOR REP. WILLIAM L. DICKINSON, R-ALA., WHO SERVED ON A COMMITTEE THAT INVESTIGATED POWELL, SAID DICKINSON WOULD OBJECT TO SEATING POWELL IF A FEDERAL GRAND JURY HAD FAILED TO ACT AGAINST HIM BY JAN. 3.

THE JUSTICE DEPARTMENT ASKED THE JURY TO INVESTIGATE POWELL'S ACTIVITIES FOR POSSIBLE CRIMINAL VIOLATIONS. A DEPARTMENT SPOKESMAN SAID THURSDAY THE POWELL CASE IS STILL UNDER "LIVE" INVESTIGATION BY HIS AGENCY, BUT HE WOULD NOT COMMENT ON THE STATUS OF THE GRAND JURY.

CHARLES S. STONE, POWELL'S AIDE IN WASHINGTON, SAID THE FORMER CONGRESSMAN IS NOW IN NEW YORK AND WOULD DIVIDE HIS TIME BETWEEN THERE, BIMINI AND CROSS-COUNTRY SPEAKING ENGAGEMENTS UNTIL CONGRESS CONVENES.

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UPI-45

(POWELL)

WASHINGTON--THE SUPREME COURT AGREED TODAY TO EXAMINE THE COMPLAINT OF ADAM CLAYTON POWELL THAT THE HOUSE IMPROPERLY DEPRIVED HIM OF HIS SEAT IN THE 90TH CONGRESS.

THE CASE COULD PROVOKE ANOTHER CLASH BETWEEN THE LEGISLATIVE AND JUDICIAL BRANCHES OF GOVERNMENT, ALREADY AT ODDS OVER THE SENATE'S REFUSAL TO CONFIRM PRESIDENT JOHNSON'S APPOINTMENT OF JUSTICE ABE FORTAS AS CHIEF JUSTICE.

THE U.S. COURT OF APPEALS HERE RULED AGAINST POWELL ON FEB. 28, 1968. THE HIGH COURT WILL HEAR ARGUMENTS LATER THIS TERM AND DECIDE THE CASE BY WRITTEN OPINION.

THE HARLEM DEMOCRAT WON ELECTION TO THE 91ST CONGRESS OVER HENRY L. HALL IN NEW YORK'S 18TH CONGRESSIONAL DISTRICT ON NOV. 5.

POWELL'S ATTORNEY, WILLIAM M. KUNSTLER OF NEW YORK, SAID THAT WHILE THE MATTER OF SEATING IS NO LONGER A LIVE ISSUE -- SINCE THE 90TH CONGRESS HAS PASSED INTO HISTORY -- POWELL'S SALARY AND OTHER MONETARY BENEFITS ARE STILL IMPORTANT ISSUES IN THE CASE.

AS FOR SENIORITY, KUNSTLER SAID IT RAISED DIFFERENT QUESTIONS SINCE THE PRACTICE DERIVED FROM "AN UNWRITTEN RULE OF THE HOUSE" RATHER THAN A STATUTORY RIGHT. HE SAID IF POWELL WON HIS SUPREME COURT APPEAL, HIS ATTORNEYS MIGHT THEN HAVE TO "COME TO GRIPS" WITH THE SENIORITY QUESTION.

SOME OF THOSE CONGRESSMEN WHO WERE AT THE FOREFRONT IN DENYING POWELL HIS SEAT IN THE 90TH CONGRESS HAVE INDICATED THEY WILL NOT TRY TO DO THE SAME IN THE 91ST CONGRESS.

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WASHINGTON CAPITAL NEWS SERVICE

AFTER HIS EXCLUSION IN MARCH 1, 1967, POWELL WAS ELECTED AGAIN IN A SPECIAL ELECTION BUT DID NOT SHOW UP TO CLAIM THE SEAT LAST YEAR. THE FLAMBOYANT MINISTER-POLITICIAN HAS BEEN SPENDING MOST OF HIS TIME ON THE BAHAMIAN ISLAND OF BIMINI.

THE HOUSE EXCLUDED HIM ON THE GROUND THAT HE MISUSED TRAVEL AND PAYROLL FUNDS, WAS CONTEMPTUOUS OF TWO HOUSE COMMITTEES AND DEFIED NEW YORK STATE COURTS IN A LONG-STANDING DEFAMATION SUIT. HE IS UNDER A 30-DAY SENTENCE IN THAT CASE.

POWELL TOLD THE COURTS THERE ARE ONLY THREE CONSTITUTIONAL QUALIFICATIONS FOR MEMBERSHIP IN THE HOUSE -- AGE, CITIZENSHIP AND PLACE OF RESIDENCE AND THAT HE MEETS ALL THOSE.

THE HOUSE THROUGH ITS ATTORNEY CITED ANOTHER SECTION OF THE CONSTITUTION WHICH SAYS THAT EACH HOUSE OF CONGRESS "SHALL BE THE JUDGE OF THE...QUALIFICATIONS OF ITS OWN MEMBERS."

THE THREE-MAN APPEALS COURT PANEL DECIDED THAT IT HAD JURISDICTION OVER THE SUBJECT MATTER BUT THAT ALL BUT ONE OF POWELL'S CLAIMS WERE INAPPROPRIATE FOR JUDICIAL CONSIDERATION. HE LOST ON THAT ONE: THAT HE SHOULD HAVE BEEN SEATED BEFORE THE HOUSE VOTED.

POWELL ALSO CONTENDED THAT THE RIGHTS OF A MAJORITY OF THE 18TH DISTRICT'S VOTERS WERE VIOLATED BY THE HOUSE ACTION. HE COMPARED HIS CASE WITH THAT OF SEN. THOMAS DODD, D-CONN., WHO KEPT HIS SEAT BUT WAS CENSURED FOR USING POLITICAL DONATIONS TO PAY PERSONAL EXPENSES.

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CONGRESSMAN ADAM CLAYTON POWELL
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High Court to Examine House Eligibility Complaint

New Powell Ruling Set

The Supreme Court agreed today to examine the complaint of Adam Clayton Powell that the House improperly deprived him of his seat in the 90th Congress.

The case could provoke another clash between the Government's legislative and judicial branches, already at odds over the Senate's refusal to confirm President Johnson's appointment of Justice Abe Fortas as Chief Justice.

The U.S. Court of Appeals here ruled against Mr. Powell last Feb. 28. The high court will hear arguments later this term and decide the case by written opinion.

ELECTED AGAIN & AGAIN

After his exclusion on March 1, 1967, Mr. Powell was elected again in a special election but did not show up to claim the seat last year. He has been spending most of his time on the Bahamian island of Bimini.

The Harlem Democrat won election to the 91st Congress from Henry L. Ruil in New York's 18th congressional district on Nov. 5.

Mr. Powell's attorney, William M. Kunstler of New York, said that while the matter of seating is no longer a live issue—since the 90th Congress has passed into history—Mr. Powell's salary and other monetary benefits are still important issues.

As for seniority, Mr. Kunstler said it raised different questions since the practice derived from "an unwritten rule of the House" rather than a statutory right. He said if Mr. Powell won his Supreme Court appeal, his attorneys might then have to "come to grips" with the seniority question.

Some of those congressmen who were at the forefront in denying Mr. Powell his seat in the 90th Congress have indicated they will not try to do the same in the 91st Congress.

The House excluded him on the ground he misused travel and payroll funds, was contemptuous of two House committees and defied New York State courts in a long-standing defamation suit. He is under a 30-day sentence in that case.

Mr. Powell told the courts there are only three constitutional qualifications for membership in the House — age, citizenship and place of residence and that he meets all three.

ANOTHER SECTION

The House then its attorney cited another section of the Constitution which says each House of Congress "shall be the judge of the . . . qualifications of its own members."

The three-man appeals court panel decided that it had jurisdiction over the subject matter but that all but one of Mr. Powell's claims were inappropriate for judicial consideration. He lost on that one: That he should have been seated before the House voted [illegible]

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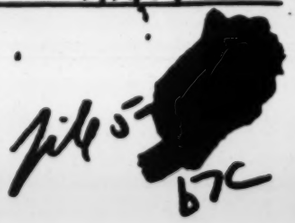

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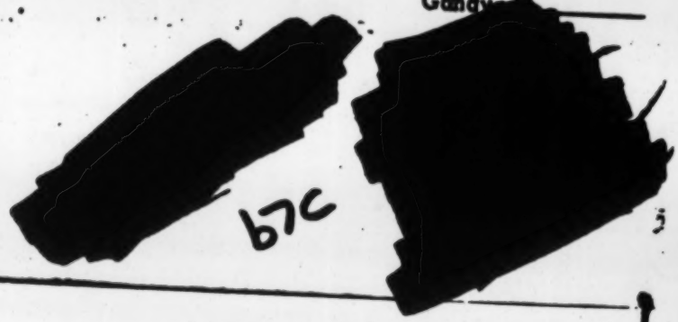

UPI-96

(POWELL)

ALBANY, N.Y.--HARLEM CONGRESSMAN ADAM CLAYTON POWELL LOST ANOTHER LEGAL BATTLE IN THE NEW YORK STATE COURT OF APPEALS TODAY.

THE STATE'S HIGHEST COURT SAID, IN EFFECT, POWELL WAS GUILTY OF TWO CONTEMPT OF COURT CHARGES AND MUST SERVE 30 DAY JAIL TERMS ON EACH CHARGE AND PAY A FINE OF $250.

POWELL WAS CHARGED WITH CONTEMPT FOR FAILING TO APPEAR IN COURT TO ANSWER COMPLAINTS THAT HE HAD REFUSED TO PAY A LIBEL JUDGMENT WON FROM HIM BY MRS. ESTHER JAMES. HE WAS ACCUSED OF CALLING HER A "BAG WOMAN" OR GRAFT COLLECTOR FORCORRUPT POLICE, IN 1963.

POWELL HAD APPEALED THE CONTEMPT CONVICTIONS, WHICH WERE AFFIRMED EARLIER BY STATE SUPREME COURT AND THE APPELLATE DIVISION.

THE COURT OF APPEALS WAS UNANIMOUS IN ITS DECISION AND WROTE NO OPINION.

LAWYERS FOR POWELL ARGUED AGAINST THE CONVICTIONS ON A NUMBER OF GROUNDS, INCLUDING THAT HIS CONSTITUTIONAL RIGHTS AS A CONGRESSMAN HAD BEEN VIOLATED BY SERVING THE CONTEMPT CITATIONS ON HIM WHILE HE WAS IN OFFICE.

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DAVID LAWRENCE

Record in Powell Case Examined

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POWELL 11/22 NK

NEW YORK (UPI)--ADAM CLAYTON POWELL FRIDAY WAS GRANTED AN EXTENDED PAROLE BY A STATE SUPREME COURT JUSTICE, BUT HE STILL FACES THE POSSIBILITY OF SPENDING CHRISTMAS IN JAIL.

POWELL, RE-ELECTED TO HIS CONGRESSIONAL SEAT IN THE NOV. 5 ELECTION, WON A ROUND IN HIS BATTLE TO AVOID IMMEDIATE JAILING GROWING OUT OF HIS CONTEMPT OF COURT CONVICTION, BUT HE FACES ANOTHER HEARING DEC. 2.

THE LATEST THREAT TO POWELL'S FREEDOM CAME FOLLOWING A STATE COURT OF APPEALS DECISION WEDNESDAY UPHOLDING THE CONTEMPT CONVICTION.

JUSTICE ARTHUR MARKEWICH, WHO WAS ASKED TO ORDER POWELL TO JAIL IMMEDIATELY, RULED THE FLAMBOYANT CONGRESSMAN COULD REMAIN FREE ON PAROLE UNTIL DEC. 2 PENDING EFFORTS TO APPEAL THE LATEST DECISION.

IF AN APPEAL IS GRANTED, AND THE STATE'S HIGHEST COURT AGREES TO HOLD OFF IMPOSITION OF HIS SENTENCE UNTIL IT IS HEARD, THE JAILING WILL BE PUT OFF. IF NO STAY PENDING APPEAL IS WON BY THAT DATE, POWELL WILL BEGIN SERVING A 30-TO-90 DAY SENTENCE.

THE DEMAND FOR AN IMMEDIATE JAILING WAS MADE BY THE ATTORNEY FOR MRS. ESTHER JAMES, WHOM POWELL LIBELED BY CALLING A "BAG WOMAN" A COLLECTOR OF GRAFT FOR DISHONEST POLICEMEN. THE CONTEMPT OF COURT CONVICTION GREW OUT OF POWELL'S EFFORTS TO AVOID PAYING MRS. JAMES A $56,000 JUDGMENT.

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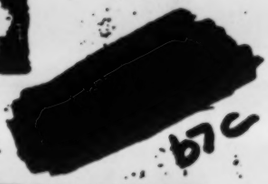
Odds Favor Powell's Return to House in January



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By Mildred L. Gilla
Washington Post Staff Writer

If Adam Clayton Powell loses only one of the next six votes, the odds seem better than even that the House will give him back his seat in January.

It's a dandy picture, but the lack of the massive public demand for Powell's neck that welled up two years ago could return him to the Harlem seat he held for 22 years.

House feeling against Powell two years ago—it exploded him for misuse of public funds and defiance of New York courts—is different, but it appears to be mellowing with time. If a Federal grand jury which has been looking into Powell's use of public funds for the last 20 months should indict or clear him it would make a big difference.

Another imponderable is Powell himself, who in the past has been his own worst enemy. Two years ago when the House wanted him to be a bit contrite about his high jinks, Powell was shooting it up in the Bahamas with his beauty, gossip-gossipy and saying irreverent things about his colleagues on television.

But lately, Powell has been unusually quiet and spoke at least a few humble words when he said he was willing to come back as a 60-year-old freshman with no seniority instead of a powerful committee chairmanship. He has even spoken kind words of George C. Wallace and Richard M. Nixon, as though seeking friends.

Rep. Lionel Van Deerlin (D-Calif.), who chaired the hearings that led to the loss of Powell's seat two years ago, said he will probably challenge this time, "His status has changed in two years," said Van Deerlin. "He has started to take care of his legal problems, which he should have done a long time ago."

Powell has paid the slander judgment that caused his multiple problems with the New York courts, but two contempt convictions arising from the case were upheld Wednesday by the state's highest court. Unless the U.S. Supreme Court reverses them, Powell faces 30 days in jail.

And the Supreme Court's agreement to hear Powell's contention that the House had no power to exclude him and must pay him $60,000 in back salary will no doubt rankle members who like the Court no more than they do Powell.

But Florida Democrats Pepper and Sam Gibbons, who were strong advocates of ousting Powell two years ago, were unwilling to say that they would take the same position now.

On the other hand, Rep. Vernon Thomson (R-Wis.), who sat on the special committee two years ago that recommended that Powell be seated and punished, said Powell should be required to pay the $60,000 recommended then.

"If it was wrong then, it is wrong now," said Thomson of the committee's findings that Powell had used public money for private trips and had kept his estranged wife illegally on his Congressional payroll.

Powell's popularity in Harlem, however, appears to be undiminished. In fact, it looked then two years ago but now the flow is at a trickle level. It could stop down if Powell leaper out of the news.

Also, Powell has been re-elected by his Harlem constituents by big majorities since his exclusion. Leaders of both parties concede that the prospect of continuing to deprive of representation a district that badly needs it is very troubling.

And it seems unlikely that [illegible] on the eve of [illegible] Nixon would want C[illegible] press to start off with [illegible] bulk of House Republic[illegible] voting, as they did two ye[illegible] ago, to deprive black Har[illegible] of the Congressman of [illegible] choice.

And if Powell were [illegible] kicked out, it would be a [illegible] minder that the House [illegible] found no wrong in any oth[illegible] member during the interv[illegible] ing two years, though [illegible] ethics committee has [illegible] handed a couple of sugge[illegible] fines.

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Powell's Suit To Be Heard By High Court

By John P. MacKenzie
Washington Post Staff Writer

Apparently braced for a historic confrontation with Congress, the Supreme Court agreed yesterday to consider whether Adam Clayton Powell had a constitutional right to the seat denied him by the House of Representatives in the 90th Congress.

Even though the Court did no more than consider oral argument on the Powell case, its action was considered certain to anger many Congressmen, who contend that courts may not even look into the way Congress judges the qualifications of its membership.

The House excluded the flamboyant Harlem Democrat on March 1, 1967, for the duration of the 90th Congress—which adjourned last month—on grounds of misconduct.

Powell, 59, who won re-election to the 91st Congress in the Nov. 5 election, claims that the exclusion order denied voting rights to his constituents and robbed him of his right to represent them. The lower courts have dismissed his suit for an order to reseat him and for back pay.

Powell told a Harlem news conference yesterday that he was gratified that "we are now living again under a republic that has three branches of government." He also expressed hope that a favorable Supreme Court ruling would give him more than $60,000 he said he is being barred.

His claim for back pay is strengthened enough to keep the legal controversy alive in the event beyond Jan. 3, when Powell is expected to offer himself as a freshman representative in the new Congress. Now the new local [illegible] will [illegible] Powell [illegible] House [illegible]

Whatever the high court decides with the case, it is expected to settle Powell's claim for all the trappings of political power he says were taken away unjustly—including his 25 years of seniority and his chairmanship of the House Education and Labor Committee. Those benefits are doled out by the Democratic Party leadership in the House.

Powell told his news conference that he hopes his seniority will be restored but, if not, he will return as a freshman. He added that Vice President Humphrey, House Democratic whip Hale Boggs (La.) and "many members of the House" have sent telegrams congratulating him on his re-election.

The Powell case is complicated by the dormant grand jury investigation of the alleged payroll abuses that formed part of the House's misconduct charges. No grand jury action has been reported, but after Jan. 20 the prosecution machinery will be in the hands of a Republican Administration. The high court is expected to hear arguments in Powell's suit in February at the earliest, with a decision to follow in the spring.

The Court could have denied Powell's petition for review without giving any explanation. Action was especially

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ADAM CLAYTON POWELL

[illegible] Although "the House" [illegible] ended that the black voters in [illegible] who joined [illegible] in [illegible] had been deprived [illegible] their rights to their chosen [illegible] representative." Powell [illegible] from charging that the House discriminated against him because he is a Negro.

Although the House considered that its members could not be compelled "to vote to seat the member-elect," Powell's lawyers argued that the courts had only to strike down the House resolution, which would leave House staff employes with the simple "ministerial duty" to treat him like a Congressman and pay him like one.

The HOUSE called the dispute a classic "political question" that courts should avoid. Although the high court in 1868 struck down the exclusion of Negro socialist Julian Bond from the Georgia legislature, the House said that was a far cry from giving orders to a coordinate branch of the Federal Government.

Powell to Seek Role In Poverty Program

NEW YORK, Jan. 4—Rep. Adam Clayton Powell said today he would try to regain some of the powers he held as chairman of the House Education and Labor Committee by gathering a rebellion that would put him in charge of an anti-poverty task force.

Powell flew back to his Harlem constituency hours after the House voted to give him back his seat, fined him $25,000 and stripped him of his seniority. He called a news conference at the Abyssinian Baptist Church, which he heads.

Under House rules, he said, the author of a resolution automatically becomes chairman of a committee it sets up. The Negro preacher-politician did not discuss what powers he planned to seek for himself or the success he thought such a move would have, but he added:

"We should find out why the poverty program is working so well in some areas but not in others."

Powell also was asked whether he felt his people's thrust for full citizenship had bogged down.

"No," he replied. "But as there is a generation gap, there is a black versus Negro gap. Negroes are bogged down but young blacks are bigger, stronger and more impatient than ever before.

"Negroes don't understand blacks," the Congressman said.

Powell also charged that large number of Republicans who voted against his being reseated in Congress was a GOP "sellout" to Southern Democratic Congressmen.

He said the House Republican leadership had reversed itself before it decided to fine him. He said that Republican leaders called him Thursday night and told him that he could count on at least 30 Republican votes in favor of seating him. He said the Republicans changed their minds because "they wanted to retain the grand old coalition of Republicans and [illegible]

[illegible]

He said he could get $1,000-a-month pension if he retired.

"But the people of Harlem have put [illegible] up here, and I want to [illegible] to finish," he said.

Powell was asked whether the pay cut would trump his usually high-stepping style.

"I've had no salary for two years and I have not crimped," he said.

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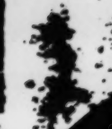

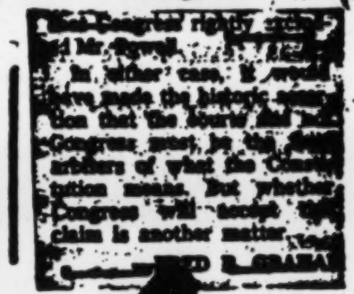

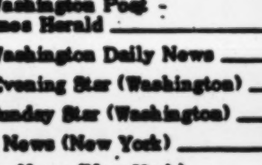

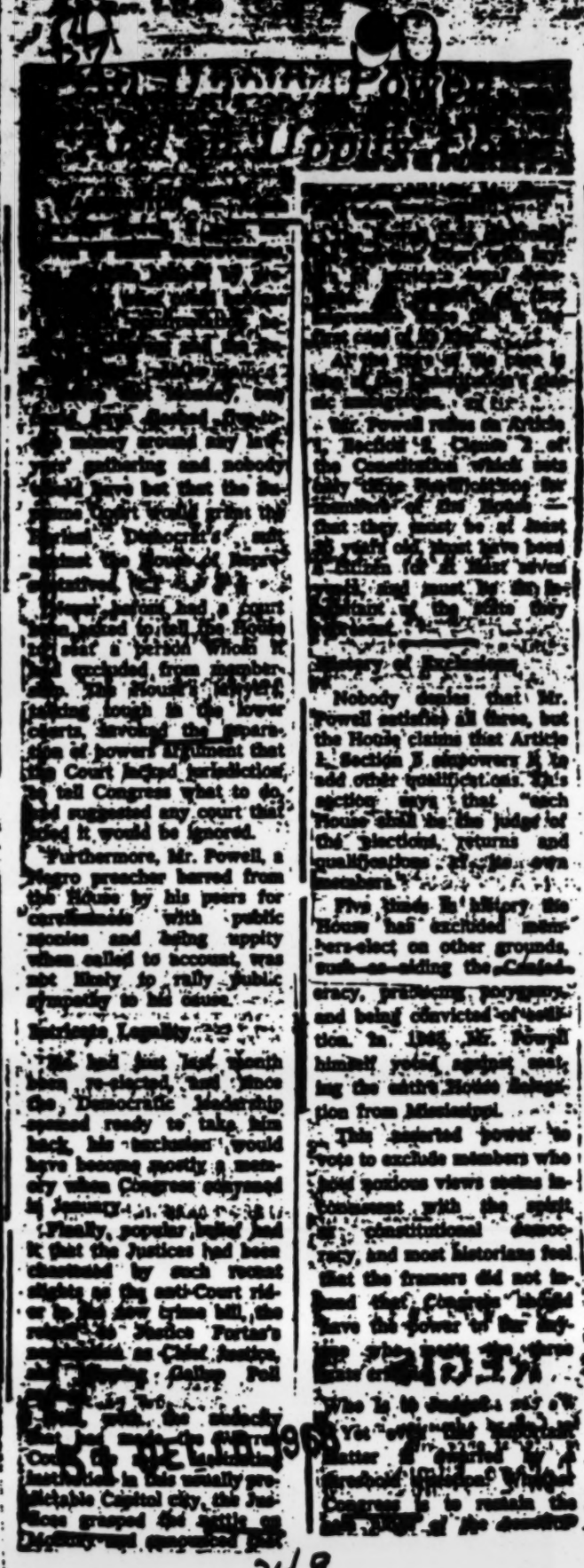

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United Press International

STORM CENTER: Harlem Democrat Adam Clayton Powell, excluded from the House of Representatives two years ago, became the center of a possible constitutional controversy last week when the Supreme Court agreed to rule on his suit to force the House to reinstate him.

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WPI-67

(POWELL)

WSHINGTON--A REPUBLICAN CONGRESSMAN TODAY BRANDED AS "WHITEWASH" A FEDERAL GRAND JURY'S REFUSAL TO HAND DOWN A CRIMINAL INDICTMENT AGAINST ADAM CLAYTON POWELL.

REP. H.R. GROSS, R-IOWA, WHO PLANS AN ATTEMPT TO BLOCK POWELL FROM TAKING THE HOUSE SEAT TO WHICH HE WAS RE-ELECTED IN NOVEMBER, SAID IT WAS VIRTUALLY UNHEARD OF FOR A GRAND JURY TO BE DISMISSED BEFORE IT RESOLVED THE QUESTION IT WAS ASKED TO INVESTIGATE.

THE GRAND JURY'S DECISION CLEARED AWAY A MAJOR OBSTACLE WHICH MIGHT HAVE PREVENTED POWELL FROM ASSUMING HIS SEAT WHEN CONGRESS CONVENES. IT APPEARED HE WOULD FACE ONLY MINOR OPPOSITION.

THE SPECIAL GRAND JURY WAS EMPANELED 15 MONTHS AGO TO INVESTIGATE ALLEGATIONS THAT POWELL, DURING HIS SIX-YEAR TENURE AS CHAIRMAN OF THE HOUSE EDUCATION AND LABOR COMMITTEE, MISAPPROPRIATED PUBLIC FUNDS BY PAYING STAFF PEOPLE WHO DID NO WORK.

THE JUSTICE DEPARTMENT ISSUED A THREE SENTENCE STATEMENT MONDAY NIGHT--THE LAST DAY OF THE GRAND JURY'S TERM--SAYING IT HAD "CONCLUDED THAT AVAILABLE EVIDENCE DID NOT WARRANT PROSECUTION." IT SAID HOWEVER, IT WOULD CONTINUE TO STUDY THE MATTER TO DETERMINE IF THERE WAS ANY CIVIL ACTION THAT COULD BE TAKEN AGAINST THE NEW YORK MINISTER-POLITICIAN.

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ADD 1 POWELL, WASHINGTON (UPI-67)

GROSS, IN A NEWS RELEASE, DID NOT OFFER EVIDENCE OF WRONGDOING BY POWELL BUT SAID HE WAS OUTRAGED THE GRAND JURY WHICH CONDUCTED AN INVESTIGATION OF "ALLEGED EMBEZZLEMENT AND FRAUD" HAD DISBANDED WITHOUT TAKING A VOTE TO EITHER INDICT OR NOT.

"THE CONGRESS AND THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW THE REASONS FOR THIS STRANGE AND UNUSUAL ACTION, THIS WHITEWASH OF THE VERY SERIOUS CHARGES AGAINST POWELL," GROSS SAID. THE IOWA LAWMAKER SAID HE WOULD URGE THE ADMINISTRATION OF PRESIDENT-ELECT RICHARD M. NIXON TO EMPANEL ANOTHER GRAND JURY TO INVESTIGATE POWELL AFTER NIXON IS INAUGURATED JAN. 20.

"THE CHARGES AGAINST POWELL ARE FAR TOO SERIOUS TO PERMIT THIS CASE TO BE SWEPT UNDER THE RUG," GROSS CONCLUDED.

FELLOW HOUSE MEMBERS WHO INVESTIGATED THE CHARGES AGAINST POWELL IN FEBRUARY OF 1967 DECIDED THAT HIS CONDUCT WARRANTED PUNISHMENT BUT THAT HE SHOULD BE SEATED. THEY DID NOT SAY ONE WAY OR THE OTHER WHETHER THERE WAS ANY BASIS FOR CRIMINAL PROSECUTION AND INSTEAD REFERRED THE WHOLE RECORD TO THE JUSTICE DEPARTMENT. PRIVATELY, THESE CONGRESSMEN SAID IT WAS DUBIOUS WHETHER THER WAS ANY CRIMINAL ACTION THAT COULD BE TAKEN AGAINST POWELL. THE JUSTICE DEPARTMENT APPARENTLY REACHED THE SAME CONCLUSION.

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WASHINGTON CAPITAL NEWS SERVICE

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The Washington Merry-Go-Round

Action on Reps. Powell, Rivers Eyed

E-7

By Drew Pearson and Jack Anderson

The Nation will be watching to see what the House of Representatives does this week about seating Adam Clayton Powell as a Congressman again and unseating L. Mendal Rivers as the Armed Services Chairman.

Powell is a Northern Negro, who always operated outside the power structure. He rose in seniority to become House Labor Chairman, because his Harlem constituents kept sending him back every election. After an investigation of charges first made by this column that Powell had gone on overseas sprees at the taxpayers' expense and had cashed his wife's Government salary checks without her permission, the House not only stripped him of his chairmanship but kicked him out of Congress altogether.

Rivers is a Southern white man, who operates inside the power structure. He also ascended to his chairmanship because his South Carolina constituents kept returning him to Congress. After this column reported on his drunken overseas sprees and misuse of the taxpayers' money, House leaders hid their colleagues in a round of speeches proclaiming what a great man he was.

It will be up to the House to vote whether to accept Powell back into the fold. A federal grand jury has refused to indict him for helping himself to his wife's Government checks. The inside word is that the majority of the jurors were Negroes, who felt that Powell had behaved no differently than white Congressmen but had been singled out because of his race.

It will be up to the Democratic caucus to decide whether to strip Rivers of his seniority, which automatically would cost him the Armed Services Chairmanship. He is being challenged, technically, for party disloyalty. During the election campaign he spoke kind words for third-party candidate George Wallace, sat at the head table at a Wallace banquet and posed for photographers with his arm around Wallace's running mate, Gen. Curtis LeMay.

In the privacy of the House cloakroom, Congressmen already are muttering against Powell and making excuses for Rivers. Even the aides of Rep. Richard Bolling (D-Mo.), leader of the discipline-Rivers move, are offering alibis.

A close examination of the records of the two men, together with the contrast in how they have been treated, tells much about what is wrong with Congress.

Both Hard Workers

Despite his audacious misbehavior, Powell was a good chairman who, at least between junkets, ran his committee effectively. For pushing through "49 pieces of bedrock legislation" in 1966 he drew the praise of President Johnson, who wrote him: The passage of every one of these bills attests to your ability to get things done."

Powell has also been second to none in his battle for Negro rights. Yet, unlike the Stokely Carmichaels and Eldridge Cleavers, Powell never denied his country. He was invited to the Bandung Conference of Emerging Asian and African Nations in 1955 because he was expected to contribute to the Anti-American propaganda of the occasion.

Instead, he stole the spotlight away from Red China's Premier Chou En-lai by telling of Negro progress in the United States. It was one of the rare times that his performance won Powell the praise of his colleagues in both houses of Congress.

Between drinking bouts, Rivers, too, has been a hard-working chairman who frequently can be found at his desk before most other people are out of bed in the morning. But his leadership has often been irresponsible. He sought an atomic bombardment of North Korea during the Korean war, a "Pearl Harbor" attack on China's nuclear laboratories in 1965 and all-out escalation of the Vietnam war.

In each instance, the top military and diplomatic intelligence available to Washington warned that Rivers' [illegible]

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The Washington Post
Times Herald E-7
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
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The Sun (Baltimore)
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[redacted] Armed Services Committee, Rivers has enormous influence over defense spending, which has increased in his neckwater district in direct proportion to his rise on the Armed Services Committee.

It is an interesting coincidence that his close associate and former law partner, T.E. Pederson, happens to do a big business representing defense contractors.

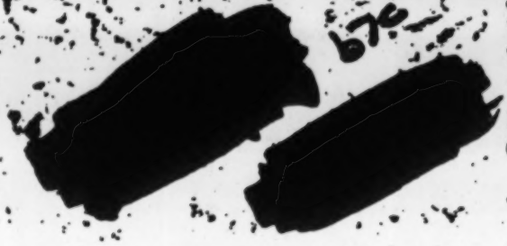
Rivers went to bat for at least one defense contractor under circumstances that led to a grand jury investigation.

The company bid $142,980 to repair a Navy transport, the USS Randall, and was awarded the contract on March 2, 1959. Three days later, the firm's chief stockholder told the Navy he would need more money to perform "extra work." At one point, his demands for "extra work" reached $173,180.61. Navy officials ordered rebidding, but the stockholder tried to circumvent them by using Rivers.

A Federal grand jury, later convoked by then Attorney General Robert Kennedy, was told that $25,000 was passed under the table, but the evidence wasn't clear as to who received it. As with Powell, the grand jury refused to indict Rivers.

It will be interesting to see how the House of Representatives will judge these two disparate men.

[redacted] McClure Syndicate, Inc.



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UPI-139
(POWELL)

WASHINGTON--ADAM CLAYTON POWELL, BANISHED FROM THE HOUSE BY HIS COLLEAGUES TWO YEARS AGO, LOST THE FIRST ROUND TODAY IN HIS RENEWED STRUGGLE TO TAKE A SEAT IN THE 91ST CONGRESS. A MOTION THAT WOULD HAVE CLEARED THE WAY FOR HIS SEATING WITHOUT FURTHER IMMEDIATE PUNISHMENT WAS DEFEATED.

THE VOTE AGAINST THE MOTION WAS 248 TO 176.

BEFORE THE FIRST VOTE, THE HOUSE ARGUED THE NOW FAMILIAR FACTS OF THE POWER CASE FOR AN HOUR. HIS SUPPORTERS SAID POWELL SHOULD BE SEATED BECAUSE HIS HARLEM DISTRICT WAS ENTITLED TO A VOICE IN CONGRESS AND BECAUSE THE HOUSE HAD NO CONSTITUTIONAL RIGHT TO EXCLUDE HIM FROM MEMBERSHIP. IF PUNISHMENT WAS IN ORDER, THEY SAID, IT SHOULD COME AFTER HE TOOK HIS SEAT.

OPPONENTS APPEARED TO BE UNITING ON A PROPOSAL TO SEAT POWELL BUT FINE HIM $30,000 FOR ALLEGED MISUSE OF HOUSE FUNDS. TO DO THIS, IT WAS NECESSARY TO DEFEAT THE MOTION TO END DEBATE ON THE SEATING QUESTION. THEY ARGUED THAT POWELL'S MISDEEDS HAD GONE UNPUNISHED AND THE HOUSE SHOULD NOT SEAT HIM ON THE SAME BASIS AS OTHER MEMBERS.

WHILE NOT STRICTLY ALONG PARTY LINES, POWELL'S SUPPORT CAME MOSTLY FROM NORTHERN DEMOCRATS, LED BY REP. EMANUEL CELLER, D-N.Y.

REP. CLARK MACGREGOR, R-MINN., BACKED BY GOP LEADER GERALD R. FORD, MICH., PUSHED FOR PUNISHMENT OF POWELL.

POWELL HIMSELF LISTENED TO THE DEBATE BEHIND A RAILING JUST OFF THE HOUSE FLOOR ITSELF. HE SHOWED LITTLE EMOTION AS HIS ERSTWHILE COLLEAGUES ARGUED HIS FATE.

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UPI-94
(POWELL)
WASHINGTON--ADAM CLAYTON POWELL TODAY PROMENADED INTO THE HOUSE THAT SENT HIM INTO TWO YEARS OF EXILE, GALLANTLY KISSED A LADY MEMBER'S HAND AND, CHARACTERISTICALLY, MISSED THE FIRST ROLL CALL.

DAPPER IN A GRAY SUIT, BUT SUBDUED AND $60,000 POORER FROM LOSS OF CONGRESSIONAL PAY, POWELL WAITED OUT A LONG AFTERNOON THAT WILL DETERMINE IF HE WILL SIT IN--OR OUT OF--THE NEW CONGRESS. THE OUTCOME WAS VERY MUCH IN DOUBT BEFORE THE SHOWDOWN VOTES.

AS THE 91ST CONGRESS OPENED, POWELL FAILED TO ANSWER THE INITIAL ROLLCALL OF ELECTED MEMBERS BY STATES, BUT HE SAUNTERED DOWN A LONG AISLE TO RESPOND THE SECOND TIME AROUND.

~~SHOOK HANDS WITH~~

HE SHOOK HANDS WITH OLD COLLEAGUES AND KISSED REP.-ELECT SHIRLEY CHISHOLM, D-N.Y., ON HER HAND. SHE IS THE FIRST NEGRO WOMEN ELECTED TO CONGRESS.

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Adam Clayton Powell

UPI-109
ADD 1 POWELL, WASHINGTON (UPI-94)
THE HOUSE PLUNGED INTO ANOTHER FIGHT OVER SEATING POWELL TODAY.
POWELL WAS ASKED TO STAND ASIDE AS THE REST OF THE HOUSE MEMBERSHIP TOOK THE OATH OF OFFICE FOR THE 91ST CONGRESS. THE MEMBERS WERE TO MOVE IMMEDIATELY INTO DEBATE ON A MOTION TO SEAT POWELL FOR HIS 12TH TWO YEAR TERM.
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ADAM CLAYTON POWELL, ET AL.
FAG

Powell Brief In High Court Raps House

Lawyers for Rep. Adam Clayton Powell, D-N.Y., complained to the Supreme Court today that the House has continued to treat him unconstitutionally.

In a brief filed this morning, Powell's attorneys denounced the House action of last Friday in agreeing to seat the Harlem Congressman only if he paid a fine of $25,000 and gave up his 22 years of seniority.

"This action continues the unconstitutional conduct of the House," the brief said. The fine and the loss of seniority created "additional qualifications for his admission," it added.

The Supreme Court has agreed to review the constitutionality of Powell's exclusion from the 90th Congress, which expired late last year.

Presumably, the justices will not pass on the validity of the House's latest action in giving the Negro lawmaker a seat in the 91st Congress.

However, the Powell brief's reference to this action indicated that his lawyers will use the latest House action to bolster their contention that the House has gone beyond its powers in dealing with him.

The House has 30 days to file its written arguments in the Powell case, and a hearing before the court may be held in late February or early March. A final decision is expected before the court adjourns in June.

Powell, of course, can no longer get back his seat in the 90th Congress. However, if he wins his case in the high court, he will be seeking his back pay for the time he would have served in the 90th Congress.

It is unclear from the brief filed today whether Powell also will ask the Supreme Court to restore his seniority.

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The New York Times
The Sun (Baltimore)
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

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UPI-114
ADD 2 POWELL, WESHINGTON
REP. H.R. GROSS, R-IOWA, OFFERED THE FORMAL OBJECTION TO POWELL'S SEATING. THIS IS A RIGHT AFFORDED EACH MEMBER-ELECT, AS TO ANY OTHER MEMBER-ELECT.
GROSS, ANNOUNCING HIS OBJECTION, SAID HE WOULD, IF HE LATER GOT THE CHANCE, OFFER A RESOLUTION TO EXCLUDE POWELL FROM THE 91ST CONGRESS.
MCCORMACK DIRECTED THAT POWELL STAND ASIDE "FOR THE PRESENT AT LEAST" WHILE HE ADMINISTERED THE OATH OF OFFICE OT ALL THE OTHER MEMBERS-ELECT. POWELL STOOD BEHIND THE REAR RAIL OF THE HOUSE CHAMBER.
IMMEDIATELY AFTER THE OTHER MEMBERS WERE SWORN, REP. EMANUEL CELLER, D-N.Y., THE DEAN OF THE HOUSE AS WELL AS OF THE NEW YORK DELEGATION, OFFERED A RESOLUTION TO SEAT POWELL AT ONCE.
AN HOUR'S DEBATE BEGAN ON THE RESOLUTION AS POWELL, SMOKING A SMALL CIGAR, LEANED ON THE RAIL AND OBSERVED. FROM TIME TO TIME HE ACKNOWLEDGED WITH A SMILE AND A HANDSHAKE THE GREETINGS OF WELL-WISHERS.
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WASHINGTON CAPITAL NEWS SERVICE

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UPI-105

(POWELL))

WASHINGTON--LAWYERS FOR REP. ADAM CLAYTON POWELL, D-N.Y., TODAY URGED THE SUPREME COURT TO DECIDE WHETHER THE 90TH CONGRESS LAWFULLY DEPRIVED HIM OF SEAT AND NOT TO WORRY ABOUT ANY CONFRONTATION WITH THE LEGISLATIVE BRANCH.

POWELL'S LAWYERS SAID "TO SUGGEST THAT THE LEGISLATIVE LEADERS OF THE NATION WOULD NOT ACCEPT IN GOOD CONSCIENCE THE CONCLUSIONS OF THIS COURT AS TO THE MEANING OF THE FUNDAMENTAL LAW" WOULD SERIOUSLY DAMAGE THE CONCEPT OF A "GOVERNMENT OF LAWS AND NOT OF MEN."

POWELL'S ATTORNEYS FILED A 172-PAGE BRIEF PRECEDING COURT ARGUMENTS IN FEBRUARY, CONTENDING THAT THE HOUSE ON MARCH 1, 1967, IMPROPERLY DEPRIVED THE HARLEM DEMOCRAT OF HIS SEAT IN THE 90TH CONGRESS. POWELL IS SEEKING BACK PAY FOR THE TWO YEARS HE WAS DENIED HIS SEAT.

ON FRIDAY, THE 91ST CONGRESS VOTED TO SEAT HIM BUT FINED HIM $25,000 AND REMOVED HIS SENIORITY.

A LOWER COURT JUDGMENT FROM WHICH POWELL IS APPEALING HELD THAT A CONFRONTATION WITH A CO-EQUAL BRANCH OF GOVERNMENT WOULD BE IMPROPER.

THE BRIEF ARGUED THAT THE SUPREME COURT IS THE "ULTIMATE INTERPRETER" OF A WRITTEN CONSTITUTION AND ITS FAILURE TO EXERCISE THIS POWER WOULD ACTUALLY BE A BLOW TO REPRESENTATIVE GOVERNMENT.

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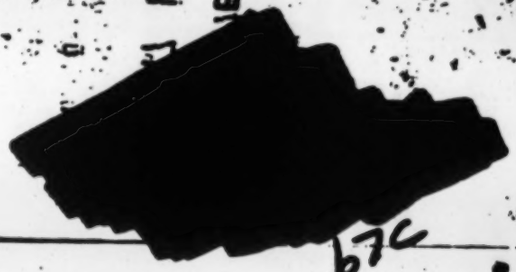

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UPI-96
(HOUSE COMMITTEES)

WASHINGTON--REP. ADAM CLAYTON POWELL, D-N.Y., LOW MAN ON THE HOUSE SENIORITY LADDER, WAS NAMED TODAY TO THE HOUSE EDUCATION AND LABOR COMMITTEE WHERE HE SERVED AS CHAIRMAN BEFORE HIS OUSTER FROM CONGRESS TWO YEARS AGO.

THE ASSIGNMENT, SOURCES SAID, WAS MADE BY THE DEMOCRATIC MEMBERS OF THE WAYS & MEANS COMMITTEE, WHICH MAKES COMMITTEE ASSIGNMENTS.

POWELL, THE CONTROVERSIAL HARLEM PREACHER, WAS ALLOWED BACK IN CONGRESS THIS YEAR, BUT THE HOUSE VOTED TO STRIP HIM OF ALL SENIORITY--HE HAD SERVED 22 YEARS IN THE HOUSE --AND TO FINE HIM $25,000 FOR ALLEGEDLY MISUSING GOVERNMENT FUNDS--AS CHAIRMAN OF THE EDUCATION COMMITTEE.

THE WAYS & MEANS MEMBERS WERE CONTINUING THEIR MEETINGS BEHIND CLOSED DOORS, AND THE POWELL ASSIGNMENT, AS OTHER COMMITTEE DESIGNATIONS WAS SUBJECT TO LAST MINUTE CHANGE, ALTHOUGH THIS WAS DOUBTFUL.

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WASHINGTON CAPITAL NEWS SERVICE

City Life

Group to Pay Powell's Fine

A group of 15 Washington Negro clergymen announced yesterday they are launching a drive to pay the $25,000 fine assessed by Congress against Rep. Adam Clayton Powell (D-N.Y.) [illegible]

The Rev. Jefferson P. Rogers, pastor of the Church of the Redeemer, and head of the Ministers Leadership Training Program, said the organization will solicit aid of MLTP chapters in 14 cities and from civil-rights organizations throughout the country.

Congress levied the fine against Powell as one of the conditions for his readmission to Congress after being re-elected last November. The Harlem congressman was also stripped of his seniority rights. The House had barred him taking his seat in 1967 after charging him with misuse of Federal funds.

Mr. Rogers said Powell himself will kick off the drive with a speech here on Feb. 8.

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The Washington Post
Times Herald C-3
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New York Post
The New York Times
The Sun (Baltimore)
The Daily World
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The National Observer
People's World
Examiner (Washington)

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UPI-83

(POWELL)

WASHINGTON--THE SUPREME COURT REFUSED TODAY TO DISMISS REP. ADAM CLAYTON POWELL'S SUIT AGAINST THE HOUSE OF REPRESENTATIVES, DESPITE A HOUSE CONTENTION THAT THE MATTER IS A DEAD ISSUE.

THE HARLEM DEMOCRAT WAS DEPRIVED OF HIS SEAT IN THE 90TH CONGRESS ON MARCH 1, 1967, BUT WAS SEATED ON JAN. 3, 1969, IN THE 91ST CONGRESS ON THE STRENGTH OF LAST NOVEMBER'S ELECTION.

THE COURT'S BRIEF ORDER SAID FURTHER CONSIDERATION OF THE HOUSE'S SUGGESTION IS BEING POSPONED UNTIL THE HEARING OF THE CASE ON ITS MERITS.

POWELL FIRST SUED TO REGAIN HIS SEAT IN THE 90TH CONGRESS. NOW HE WANTS TO RECOVER BACK PAY AND SENIORITY. A VICTORY WOULD AMOUNT TO A RULING THAT THE HOUSE HAD NO CONSTITUTIONAL RIGHT TO EXCLUDE HIM IN 1967.

IN THE POWELL CASE, ATTORNEYS FOR THE HOUSE URGED THE COURT TO AVOID A CONFRONTATION BETWEEN THE LEGISLATIVE AND THE JUDICIAL BRANCHES OF GOOVERNMENT. THEY SAID THE PAY ISSUE IS A MATTER FOR THE U.S. COURT OF CLAIMS.

THE HOUSE EXCLUDED HIM ON THE GROUND THAT HE MISUSED TRAVEL AND PAYROLL FUNDS, WAS CONTEMPTUOUS AND TWO HOUSE COMMITTEES AND DEFIED NEW YORK STATE COURTS IN A LONG-STANDING DEFAMATION SUIT.

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Mr. Tolson
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Mr. Rosen
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Mr. Tavel
Mr. Trotter
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Miss Holmes
Miss Gandy

(Mount Clipping in Space Below)

Powell's Black Magic

No man has ever tried it before, but don't bet that Adam Clayton Powell won't get a favorable Supreme Court verdict over the House of Representatives.

It would be only another in a string of nose-thumbing triumphs over certain defeat.

Actor, medicine man, Chautauqua showman, whatever he is besides a Congressman and preacher, Powell is showing that his medicine is, in the end, no less powerful in Washington than in his home district of New York's Harlem.

And in Harlem the people he likes to call his "black brothers" have never lost the faith, baby, re-electing him no matter what The Man—in Washington or elsewhere—wanted.

When it comes to sheer, unadulterated audacity, for the most gracious of grand gestures, you have to hand it to the Rev. Dr. Powell.

Who else would have the nerve to sue the House of Representatives in the land's highest court?

It will be an historic "first," bringing into play all kinds of Constitutional interpretations on whether the House has the right to kick out any member it finds unsuitable.

Powell says it hasn't that right—and the Supreme Court has agreed to hear his case, much to everyone's surprise. Except perhaps Powell's.

And while he's at it, he has a couple of other little matters he wants the high court to clear up.

Take that $25,000 fine, for instance. Powell says that means he is being forced to "buy" his seat in Congress, and we all know that's illegal, don't we?

Then, if the judges find he was illegally expelled, he wants them to go one step further and rule that the government owes him $25,000 in back pay.

Leaving the legal aspects to the men in the long robes, we can all be sure of one thing: After a two-year lull Adam Clayton Powell's back—and Washington's got him!

So have all the American people. Because Powell, who represents many things law-abiding folks find repugnant, has a pulpit-honed oratorical charm that gets the snake out of the basket every time. His acting technique, greatly in evidence these days on the home screen, is no less hypnotic.

It's fairly easy to understand how he works his black magic in Harlem, which voted him back twice after the House gave him the boot. For years they've had a double exposure of his winning ways—Powell as the politician and Powell as the ordained minister of God, and may Powell, bearer of the black man's burden.

Now the charges—expulsion, re-election and reseating—have given him a national platform. Graying a little at 60 but still suave, he's been on more late radio and TV talk shows than Peter Lawford, flashing his eyes in scorn and twisting his mouth in a derisive smile, often at himself.

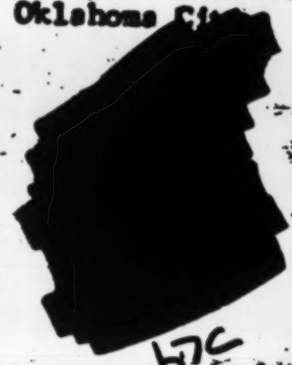
He is the absolute master of the pained look, which he flashes when interviewers speak of repentance. Will he make any change in his high-living ways?

"Nonsense," he says loftily. "I'll behave the way I always did. I wouldn't change a thing. I regret nothing."

And, when he says it, you believe it. Perhaps not even that $25,000 back salary. He's counting on the Supreme Court to get it back.

(Indicate page, name of newspaper, city and state.)

10 Oklahoma Journal
Oklahoma City



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Editor: W. P. Atkinson
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UPI-99

(POWELL)

WASHINGTON--THE HOUSE TODAY WITHOUT OBJECTION EXTENDED AUTHORIZATIION OF LEGAL FEES TO DEFEND ITS EXCLUSION OF REP. ADAM CLAYTON POWELL IN 1967 AND FINING OF THE HARLEM DEMOCRAT LAST MONTH.

A SUIT CHALLENGING THE CONSTITUTIONALITY OF THE TWO MOVES IS PENDING IN THE SUPREME COURT. POWELL WAS DENIED A SEAT IN THE 90TH CONGRESS FOR MISUSE OF GOVERNMENT FUNDS AND ABUSE OF HOUSE COMMITTEES. HE WAS SEATED LAST MONTH UNDER A FORMULA THAT STRIPPED HIM OF SENIORITY AND ASSESSSED A $25,000 FINE.

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WASHINGTON CAPITAL NEWS SERVICE

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Adam Clayton Powell

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023A
POWELL 3/14 NX
DAY LD
BY ARNOLD B. SAWISLAK

WASHINGTON (UPI) --ADAM CLAYTON POWELL, WHO HAS BEEN DEFYING CONVENTION FOR MORE YEARS THAN MOST COLLEGE STUDENTS HAVE LIVED, HAS JOINED THE YOUTH REBELLION.

ALTHOUGH HE IS TWICE 30 AND BEGINNING TO SHOW IT, THE HARLEM CONGRESSMAN SAYS HE HAS ACHIEVED AN AMAZING RAPPORT WITH THE CURRENT CROP OF COLLEGE-AGE REBELS.

TO SHOW HIS COMMITMENT TO THE YOUTH PROTEST MOVEMENT, POWELL SAID IN AN INTERVIEW TODAY HE IS CONSIDERING SEEKING AN INJUNCTION TO STOP HEALTH, EDUCATION AND WELFARE SECRETARY ROBERT H. FINCH FROM CUTTING OFF FEDERAL AID FUNDS FOR STUDENTS CONVICTED OF FELONIES ARISING FROM CAMPUS DISORDERS.

"I'VE TALKED TO MY LAWYERS AND THEY THINK THE FEDERAL LAW REQUIRING THESE CUTOFFS MAY BE UNCONSTITUTIONAL BECAUSE FELONIES ARE INTERPRETED DIFFERENTLY IN EACH OF THE 50 STATES," POWELL SAID.

THE VETERAN NEGRO DEMOCRAT, BACK IN HIS WASHINGTON OFFICE FOR ONLY THE THIRD TIME SINCE JANUARY WHEN HE WAS READMITTED TO THE HOUSE WITH A $25,000 FINE FOR PAST MISCONDUCT, WAS ACTING ANYTHING BUT PENITENT.

POWELL HAS SPENT MOST OF HIS TIME SINCE SEPTEMBER GIVING SPEECHES TO COLLEGE AUDIENCES AT FEES OF $1,750 AND UP.

POWELL DISPLAYED A WELL-WORN CASUAL SHOE ON A SWOLLEN RIGHT FOOT, AND ANNOUNCED HE HAD LOST $5,000 LAST WEEK. HE HAD TO SKIP A SERIES OF LECTURES AFTER HURTING HIMSELF DURING A FISHING TRIP AT HIS ISLAND RETREAT ON BIMINI.

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POWELL SAID HE ALREADY IS SIGNED UP FOR LECTURES ON "THE DIVINE RIGHT OF DISSENT" AT NOTRE DAME ("WHERE I'M GOING TO TAKE ISSUE WITH FATHER HESBURGH ON STUDENT PROTESTS"), THE UNIVERSITY OF BUFFALO, BUCKNELL, LEHIGH, NORTHEASTERN, JERSEY CITY STATE, OKLAHOMA STATE, OHIO STATE, PRINCETON, TRINITY, HARVARD AND HOWARD.

"MY AUDIENCES HAVE BEEN 99 PER CENT WHITE," POWELL SAID, "AND THE APPEARANCES HAVE BEEN ARRANGED BY THE STUDENT UNIONS, NOT BLACK STUDENT GROUPS. I'VE TALKED TO ABOUT 300,000 COLLEGE STUDENTS SINCE LAST SEPTEMBER.

"I'VE LIVED THROUGH THIS BEFORE, IN THE 1930S, AND SOMEHOW I'VE BEEN ABLE TO BRIDGE THE GAP FOR THE STUDENTS TODAY. THEY'RE IN REVOLT AGAINST EVERYTHING THEIR PARENTS, THEIR PREACHERS AND THEIR TEACHERS HAVE TOLD THEM.

"THEY WANT A NEW WORLD. THEY'RE TIRED OF THESE WARS AND THE DYING, NOT JUST IN VIETNAM, BUT ALL OVER THE WORLD. AND THEY ARE TIRED OF THE FAKE MORALITY OF THEIR PARENTS. THEY'VE SEEN WHAT GOES ON IN THE COUNTRY CLUBS AND IN EXURBIA."

POWELL SAID HE IS CONVINCED THAT THE STUDENT PROTEST MOVEMENT IS THE HARBINGER OF REAL CHANGE IN AMERICAN MANNERS AND MORALS.

HIS OWN ROLE IN ALL THIS, POWELL SAID, IS TO HELP THE YOUTHFUL REBELS FIND "GUIDELINES" TO FOLLOW BEFORE IT IS TOO LATE AND "THEY LOSE THEIR BEAUTIFUL DREAM."

POWELL SAID HE GETS HIS BIGGEST RESPONSE FROM STUDENT AUDIENCES WHEN HE CALLS FOR "A NATIONAL CONFERENCE TO SAVE THE REPUBLIC" HEADED BY SEN. EDWARD M. KENNEDY, D-MASS., AND GEORGIA STATE REP. JULIAN BOND.

"THAT'S A BIG OVATION, A STANDING OVATON," POWELL SAID.

THE PURPOSE OF THE CONFERENCE, HE SAID, WOULD BE TO FORM A NEW POLITICAL PARTY IF THE DEMOCRATS AND REPUBLICANS FAIL TO RESPOND TO THE NEEDS OF YOUTH IN THE NEXT FOUR YEARS.

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Washington Capital News Service

Powell Scorns State Building

By HUGH WYATT

Rep. Adam Clayton Powell charged yesterday that the proposed [illegible] a state office building in Harlem is a move by the white establishment [illegible] Harlem.

[illegible] of the state [illegible] that [illegible] Powell told [illegible] young militants at 125th and Seventh Ave. [illegible] [illegible] a high school right [illegible]

Powell, resplendent in a blue [illegible] turtleneck pullover and a medallion given him by Ethiopian Emperor Haile Selassie, urged the black and white militants to fight Gov. Rockefeller's proposed cut in education funds.

Powell also charged that the federal government pours tax moneys into studies of foreign cultures at United States schools and colleges but offers no federal grants for the study of African or Puerto Rican culture.

He ticked off 23 federal grants to colleges for the study of the Japanese, Chinese, Yugoslavian and Russian languages.

Powell urged the students to [illegible] programs of African [illegible] and of Puerto Rican studies.

The Harlem Democrat charged [illegible] want to keep [illegible] Negroes and Negro [illegible] Negroes and other minorities under the control of a white man's educational system.

NEWS photo by Phil Stapleton

Rep. Adam Clayton Powell speaks at 125th St.

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The Washington Post
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The Washington Daily News
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Adam Clayton Powell

UPI 168 POWELL

WASHINGTON--THE HOUSE OF REPRESENTATIVES TOLD THE SUPREME COURT TODAY THAT ITS EXCLUSION OF REP. ADAM CLAYTON POWELL FROM THE 90TH CONGRESS WAS ITS OWN BUSINESS AND, IN ANY EVENT, THE MATTER IS NOW A DEAD ISSUE.

THE HOUSE POINTED OUT THAT THE HARLEM DEMOCRAT HAS NOW BEEN SEATED IN THE 91ST CONGRESS.

"THE PROPRIETY OF WHAT THE HOUSE DID IN THIS CASE WAS FOR THE HOUSE, AND THE HOUSE ALONE, TO DECIDE," SAID A BRIEF FILED IN THE COURT BY NEW YORK ATTORNEY BRUCE BROMLEY AND A LARGE COLLECTION OF OTHER LAWYERS.

THE BRIEF REJECTED POWELL'S ARGUMENT THAT THE CASE IS KEPT ALIVE BY HIS DEMANDS FOR BACK PAY AND HIS EFFORT TO INCLUDE AS A GRIEVANCE THE $25,000 FINE IMPOSED ON JAN. 3, 1969, WHEN HE WAS SEATED IN THE 91ST CONGRESS.

"THE 91ST CONGRESS IS AN ENTIRELY DIFFERENT BODY FROM THE ONE WHICH EXCLUDED MR. POWELL," THE BRIEF SAID.

THE CONGRESSMAN, THE COURT WAS TOLD, "CANNOT IN EFFECT BEGIN A NEW LAWSUIT AGAINST AN ENTIRELY DIFFERENT PARTY...AND INTERJECT DIFFERENT ISSUES AT THIS STAGE OF APPELLATE REVIEW."

POWELL'S CLAIM FOR BACK SALARY, ACCORDING TO THE BRIEF, "HAS ALWAYS BEEN INCIDENTAL AND SUBORDINATE TO HIS NOW-MOOTED DEMAND FOR SEATING."

SO FAR AS THE MAIN ISSUE OF THE EXCLUSION ON MARCH 1, 1967, IS CONCERNED, THE BRIEF SAID:

"THE PROPER AND LEGITIMATE FUNCTIONING OF (OUR FEDERAL) GOVERNMENT REQUIRES THAT EACH HOUSE OF THE LEGISLATIVE BRANCH BE FREE FROM INTERFERENCE BY THE OTHER BRANCHES IN THE GOVERNANCE OF ITS INTERNAL AFFAIRS."

THE BRIEF URGED THAT THE COURT AFFIRM THE U.S. COURT OF APPEALS HERE WHICH RULED AGAINST POWELL ON FEB. 28, 1968.

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FOR MR. TOLSON

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College Rebels Keep the Faith, Says Adam

By FRED LOETTERLE

Asserting that students have a "divine right to dissent," Rep. Adam Clayton Powell sharply criticized President Nixon yesterday for suggesting that Federal aid may be withheld from student protesters.

Referring to Nixon's hint at a crackdown on campus demonstrations, Powell said: "We have come to a sorry moment in our American democracy."

The flamboyant preacher-politician told his congregation at the Abyssinian Baptist Church, 132 W. 138th St., that students should be encouraged, not discouraged, in their activities.

"The young people, and often their faculties, are saying: 'Why should we follow the footsteps of our parents when they have been practicing for so many years,'" Powell said.

"New Concept of Society"

"We had the same problem of militancy in the 1930s out of that militancy came FDR with a whole new concept of society," he said. "Because we marched in those days, you're living in vineyards you didn't plant."

Downtown, at the Statler Hilton, New York University President James M. Hester struck a similar chord yesterday at the annual museum and scroll breakfast of the Grand Lodge of Free and Accepted Masons.

Praises Activists

Praising student activists for being "directly responsible" for reform in higher education, Hester declared:

"Our young critics are performing a great national service. They are forcing us to examine critically conditions we have long ignored. It is [illegible] beginning to acquire a more thorough awareness of the deficiencies of our social, economic and institutional structures."

The university president asked his audience of fathers and sons to try to bridge the generation gap through mutual respect and understanding.

Hester also called on Americans to have enough confidence in the democratic process to appreciate, and value, dissent. He added: "We cannot base our confidence on blind faith in established institutions."

The Washington Post
Times Herald
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Daily News (New York)
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The National Observer
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UPI-161 POWELL

WASHINGTON--THE HOUSE OF REPRESENTATIVES TOLD THE SUPREME COURT TODAY THAT ITS EXCLUSION OF REP. ADAM CLAYTON POWELL FROM THE 90TH CONGRESS WAS ITS OWN BUSINESS AND, IN ANY EVENT, THE MATTER IS NOW A DEAD ISSUE.

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BY DANIEL RAPPAPORT

WASHINGTON (UPI) --THE PRESTIGIOUS NEW YORK LAW FIRM REPRESENTING THE U.S. HOUSE OF REPRESENTATIVES IN ITS COURT BATTLES WITH REP. ADAM CLAYTON POWELL, D-N.Y., ALREADY HAS BEEN PAID $213,055.30 FOR ITS SERVICES, WITH PROSPECTS THAT THE FINAL BILL WILL BE TWICE AS MUCH.

THE MONEY WENT TO CRAATH, SWAINE & MOORE "FOR SERVICES RENDERED FROM MARCH 13, 1967 UNTIL FEB. 1968," ACCORDING TO A BRIEF ENTRY IN THE LATEST STATEMENT OF DISBURSEMENTS ISSUED BY THE HOUSE ADMINISTRATION COMMITTEE.

THE BOOKLET COVERS THE PERIOD FROM JULY 1, 1968 TO DEC. 31, 1968. THE BILL WAS PAID ON AGU. 18, ACCORDING TO THE RECORDS.

THE NOTATION WAS THE FIRST BIT OF INFORMATION MADE PUBLIC BY HOUSE FFOCIALS ON THE COST TO THE TAXPAYER OF THE LEGAL BATTLE STEMMING FROM THE HOUSE'S MARCH 1, 1967 EXCLUSION OF POWELL FROM THE LAST CONGRESS.

THE ENTRY CARRIES A NOTE THAT THE DISBURSEMENT COVERS ONLY LITIGATION THROUGH THE U.S. COURT OF APPEALS AND DOES NOT INCLUDE ANY OF THE WORK INVOLVED IN DEFENDING THE CASE TO THE SUPREME COURT.

ON MAY 28, 1968, POWELL WENT TO THE SUPREME COURT TO APPEAL THE DECISIONS AGAINST HIM IN THE LOWER COURTS. SINCE THAT TIME CRAVATH, SWAINE & MOORE ATTORNEYS HAVE BEEN BUSY ANSWERING THE ARGUMENTS MADE BY THE MINISTER-POLITICANS'S LAWYERS.

THE HIGH COURT ON NOV. 18 AGREED AND THE FILING OF BRIEFS WAS COMPLETED ONLY THIS WEEK. ORAL ARGUMENTS ARE SCHEDULED SOMTIME NEXT MONTH WITH A DECISION EXPECTED BEFORE THE COURT ENDS ITS TERM IN MAY.

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THUS IT APPEARS THAT THE SECOND YEAR'S WORKLOAD OF THE FIRM, PLUS THAT OF ITS WASHINGTON COOPERATING FIRM, WILMER, CUTLER & PICKERING, WILL BE ABOUT EQUAL TO THAT OF THE FIRST.

POWELL WAS BARRED FROM TAKING THE SEAT TO WHICH HE WAS ELECTED ON GROUNDS THAT HE MISUSED TRAVEL AND PAYROLL FUNDS AS CHAIRMAN OF THE HOUSE EDUCATION AND LABOR COMMITTEE AND THAT HE BROUGHT DISRESPECT UPON THE HOUSE FOR HIS CONDUCT DURING A LONG LIBEL SUIT.

THE HARLEM DEMOCRAT, THROUGH HIS LAWYERS, CONTENDED THAT THE HOUSE ACTION WAS UNCONSTITUTIONAL. HIS ABILITY TO MEET THE CANDIDATE'S QUALIFICATIONS OF AGE, CITIZENSHIP AND RESIDENCY WAS THE ONLY REQUIREMENT POSED BY THE CONSTITUTION, HE MAINTAINED.

IN JANUARY OF THIS YEAR POWELL RETURNED TO CONGRESS, SENT THERE BY HIS CONSTITUENTS. THE HOUSE VOTED TO SEAT HIM BUT AT THE SAME TIME FINED HIM $25,000. HIS APPEAL NOW INCLUDES A REQUEST TO HAVE THAT PENALTY OVERTURNED.

POWELL'S LEGAL COSTS PRESUMABLY ARE FAR LESS THAN THAT OF THE HOUSE. MUCH OF THE WORK BEING DONE FOR HIM HAS BEEN PERFORMED BY HOWARD LAW SCHOOL PROFESSORS WHO REPORTEDLY ARE CHARGING ONLY FOR EXPENSES.

HIS ATTORNEYS WERE UNAVAILABLE FOR COMMENT.

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UPI-156
(POWELL)

WASHINGTON-- THE PRESTIGIOUS NEWYORK LAW FIRM REPRESENTING THE HOUSE IN ITS COURT BATTLES WITH REP. ADAM CLAYTON POWELL, D-N.Y., ALREADY HAS BEEN PAID $213,055.30 FOR ITS SERVICES, WITH PROSPECTS THAT THE FINAL BILL WILL BE NEARLY DOUBLE THAT FIGURE.

THE MONEY WENT TO CRAATH, SWAINE & MOORE FOR SERVICES RENDERED FROM MARCH 13, 1967 UNTIL FEB. 1968, ACCORDING TO A BRIEF ENTRY IN THE LATEST STATEMENT OF DISBURSEMENTS ISSUED BY THE HOUSE ADMINISTRATION COMMITTEE.

THE BOOKLET COVERS THE PERIOD FROM JULY 1, 1968 TO DEC. 31, 1968. THE BILL WAS PAID ON AUG. 15, ACCORDING TO THE RECORDS.

THE NOTATION WAS THE FIRST BIT OF INFORMATION MADE PUBLIC BY HOUSE OFFICIALS ON THE COST TO THE TAXPAYER OF THE LEGAL BATTLE STEMMING FROM THE HOUSE'S MARCH 1, 1967 EXCLUSION OF POWELL FROM THE LAST CONGRESS.

THE ENTRY CARRIES A NOTE THAT THE DISBURSEMENT COVERS ONLY LITIGATION THROUGH THE U.S. COURT OF APPEALS AND DOES NOT INCLUDE ANY OF THE WORK INVOLVED IN DEFENDING THE CASE TO THE SUPREME COURT. 3/21

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THE HIGH COURT ON NOV. 18 AGREED AND THE FILING OF BRIEFS WAS COMPLETED ONLY THIS WEEK. ORAL ARGUMENTS ARE SCHEDULED STOME TIME NEXT MONTH WITH A DECISION EXPECTED BEFORE THE COURT ENDS ITS TERM IN MAY.

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HIS ATTORNEYS WERE UNAVAILABLE FOR COMMENT.

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UPI-91
(POWELL)

NEW YORK--REP. ADAM CLAYTON POWELL, D-N.Y., SAID TODAY HE WILL RUN FOR MAYOR OF NEW YORK THIS YEAR IF HE CAN GET $1 MILLION IN CAMPAIGN FUNDS.

POWELL SAID HE HAS ALREADY BEEN PLEDGED $525,000 IF HE MAKES THE RACE AND IS HAVING DISCUSSIONS WITH ANOTHER FINANCIAL GROUP ABOUT THE BALANCE HE WOULD NEED TO REACH $1 MILLION.

"EVEN IF I DON'T RUN, I WILL MAKE PUBLIC MY OWN BLUEPRINT FOR NEW YORK BY APRIL 1," HE TOLD A NEWS CONFERENCE AT THE ABYSSINIAN BAPTIST CHURCH IN HARLEM.

FIVE DEMOCRATS HAVE ALREADY ANNOUNCED THEIR CANDIDACY AND TWO REPUBLICANS ARE CHALLENGING INCUMBENT MAYOR JOHN V. LINDSAY FOR THE REPUBLICAN NOMINATION.

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UPI-20

(POWELL)

WASHINGTON--THE HOUSE OF REPRESENTATIVES HAS SPENT MORE THAN $200,000 SO FAR IN LEGAL BATTLES WITH REP. ADAM CLAYTON POWELL, D-N.Y., AND TAXPAYERS CAN EXPECT TO SEE THAT FIGURE DOUBLE BEFORE THE LITIGATION ENDS.

A BRIEF ENTRY IN THE LATEST STATEMENT OF DISBURSEMENTS ISSUED BY THE HOUSE ADMINISTRATIVE COMMITTEE SHOWS THAT THE MONEY WENT TO CRAATH, SWAINE AND MOORE, A PRESTIGIOUS NEW YORK LAW FIRM, FOR "SERVICES RENDERED FROM MARCH 13, 1967 UNTIL FEBRUARY, 1968."

THAT NOTATION WAS THE FIRST BIT OF INFORMATION MADE PUBLIC BY HOUSE OFFICIALS ON THE COST OF THE LEGAL FIGHT STEMMING FROM POWELL'S EXCLUSION FROM CONGRESS TWO YEARS AGO THIS MONTH.

THE ENTRY CARRIES A NOTE THAT THE DISBURSEMENT COVERS ONLY LITIGATION THROUGH THE U.S. COURT OF APPEALS AND DOES NOT INCLUDE ANY OF THE WORK INVOLVED IN DEFENDING THE CASE IN THE SUPREME COURT.

ON MAY 28, 1968, POWELL WENT TO THE SUPREME COURT TO APPEAL THE DECISIONS AGAINST HIM IN THE LOWER COURTS. SINCE THAT TIME CRAATH, SWAINE & MOORE ATTORNEYS HAVE BEEN BUSY ANSWERING THE ARGUMENTS MADE BY THE MINISTER-POLITICIANS' LAWYERS. A DECISION IS EXPECTED BEFORE THE COURT ENDS ITS TERM IN MAY.

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Court to Hear Powell Appeal On Expulsion

The Supreme Court has set April 21 as the date for a public hearing on Rep. Adam Clayton Powell's constitutional complaint about his expulsion from the 90th Congress.

The New York Democrat has contended that the House had no authority to bar him from membership, and he has asked the Supreme Court to award him $61,500 in salary that he would have earned as a member.

He was seated this year after being re-elected, but was fined $25,000 and was stripped of his 22 years of seniority.

The high court has agreed to hear his case, with a final decision expected by early June.

The public hearing will be held sometime after 10 a.m. on April 21 and will last for two hours, the court said yesterday.

Bruce Bromley, New York lawyer and former state judge, will speak for the House. The lawyer who will argue for Powell has not yet been designated.

The Washington Post
Times Herald
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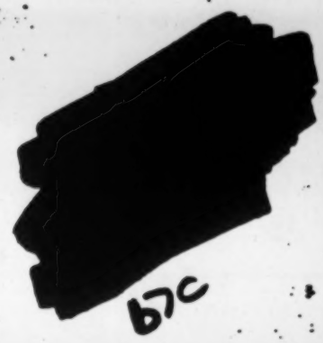
Powell Backs Kennedy-Bond Ticket

TUSCALOOSA, Ala. (AP)—Rep. Adam Clayton Powell, D-N.Y., told University of Alabama students last night that he will call a national convention to push for an Edward Kennedy-Julian Bond Democratic presidential ticket in 1972.

"If the Democratic party is not ready for a Kennedy-Bond ticket in 1972, then I say its time for a third party," Powell told approximately 4,000 students. "Race prejudice is worse in the North because in the North they smile at you."

Powell defined Black Power as meaning black dignity and explained: "It doesn't mean antiwhite unless you are antiblack. It means we want to control our own black future by our own black selves."

The Alabama students interrupted Powell several times with applause.



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The Washington Post
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Powell Raps Law to Curb Protesters

Rep. Adam Clayton Powell (D-N.Y.) said at Howard University last night that he would personally serve an injunction against the first university president who disciplined a student because of the recent law ending federal scholarships and grants to campus demonstrators.

The controversial congressman from Harlem said he would take proceedings against such university presidents to the Supreme Court to prove the "unconstitutionality of the act."

Speaking before a near-capacity, most student crowd in Howard Cramton Auditorium, Powell criticized the faculty for what he described as "coming up with the same tattered notes they've been using for 10 years."

"This campus should be the voice of the black militant," Powell said, "it has no leadership."

Powell charged that the Negro leaders of black America of 20 years ago have "sold black people down the river" by succumbing to "white conformity and mediocrity." He recommended that university students demand new faculties and new textbooks that include "the Afro-American heritage."

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POWELL PREPARES TO QUIT PRIMARY

...Statement Declaring ...Mayor ...Does Not File It

By CLAYTON KNOWLES
Special to The New York Times

...Representative Adam Clayton Powell announced yesterday that he would withdraw his candidacy for Mayor. He formally withdrew at 4 P.M. yesterday by a person native in the campaign of Robert F. Wagner with the understanding that he would file today with the Board of Elections.

However, Paul R. Screvane, the campaign manager for Democratic Mayor, disclaimed any knowledge of Mr. Powell's withdrawal.

The reasons behind this rather involved setup for the withdrawal were not immediately known, but shortly after signing the certificate, Mr. Powell left town to keep speaking engagements in Pennsylvania and western New York.

He had said last week that the decision on whether he would run would be made by the "united Democratic leadership of Central Harlem." There has been no meeting of this group, however, since Mr. Powell qualified for the primary on Monday, with 8,730 signatures on his petitions.

Assemblyman Hulan E. Jack, a member of the Harlem group, ...saying there had been no meeting, ...tured his belief that "Adam will get in touch with us by phone."

The leadership's decision on the race, Mr. Powell had said last week, would be based on what was best for people of the Harlem community. On this basis, there was the possibility that a Powell statement would be released as the withdrawal was filed.

Running a citywide race would be costly, and the effort to make a good showing in all five boroughs would necessarily have reduced the effort in Harlem. There the Powell name ...

...Democratic party officer ...nominations in the primary ...public office.

...Bars Bar Talks

...In last week's news conference, Mr. Powell made it clear that if he did not run himself, Harlem support would not go to other Representative James ...Scheuer, who was ...during voting to deny Mr. Powell his rights in the House of Representatives, or to Borough President Hermán Badillo of the Bronx, because of his alliance with Mr. Sutton.

There was also the clear suggestion that Norman Mailer would not benefit from a withdrawal by Mr. Powell.

Careful analysis of the situation seemed to indicate that if all seven candidates then remaining in the field, the Harlem leadership would only turn, finally, to Mr. Wagner.

The Mayor spent ...other day—his third-to-...row, in closed-door conference. The ...st of his guests again was withheld from the press.

Mr. Badillo, meanwhile, attacked the affiliation system that links medical schools with city hospitals. This was a Wagner-initiated reform maintained by the Lindsay administration.

"The most important causes of poor health care are the affiliation system and the total absence of a community voice in the setting of hospital policy," Mr. Badillo said.

Speaking before the Public Health Association of New York City, which met yesterday at the Americana Hotel, Broadway and 54th Street, Mr. Badillo said that the lesson of the hospital crisis was that bureaucrats "must not be allowed to make decisions which affect our daily lives."

Citing an "unbridgeable gap" between city government and families, Mr. Badillo said it was "imperative that we restore the decision-making powers in our city to the local neighborhoods which alone have the information and the interest to know what is in their best interest."

On the question of affiliation, he said that "[illegible] institutions are interested primarily in research and community needs are thus trampled upon under affiliation."

At a news conference earlier, Mr. Badillo announced his opposition to the Battery Park City project for lower Manhattan.

He also charged the Lindsay administration with not building middle-income housing projects under the Mitchell-Lama

...to [illegible] Representative Scheuer, with ...running mates, Vincent L. ...and Assemblyman Charles B. Rangel, ...for ...system for eight years ...from the Bronx to the ...city. They said they ...Robert F. Wagner had ...another upset victory ...plaints and increased ...the high-crime period of ...to 2 A.M.

The three men ...platoon as it ...duty last night from the ...Bronx's 43d Precinct at ...Washington Avenue. Afterward, Richard A. Propper, president of the Third Avenue Merchants Associations, told them merchants and residents felt safer ...

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The Washington Merry-Go-Round B-15

French Vote Likely to Reverse Policy

By Drew Pearson and Jack Anderson

This weekend a people for which America fought two World Wars are set to vote the greatest turnabout of policy in recent French history.

When they go to the polls on Sunday, they are almost certain to repudiate Charles de Gaulle by electing a hitherto inconspicuous French Senator, Alan Poher, who stands for almost everything that de Gaulle was opposed to.

Poher will completely reverse Gaullist foreign policy. He will strongly support the United States in Europe, will back up a united Western Europe, probably return France to NATO, and release the Mirage Phantom jets to Israel which Israel had paid for and de Gaulle canceled.

Finally, Poher will get France back to being the old-time France without a lot of silly prestige projects.

In September there will be a devaluation of both the franc and the pound, plus a revaluation of the German mark upward.

And you can be certain that American tourists will flock back to France with a rush.

Revolutionary Wedding

Two opposite young people who sprang from opposite roots deep in the heart of America are getting married today. The girl's ancestors came in this country on the Mayflower. The boy's ancestors came in chains on a slave ship from Africa. Their marriage represents a new revolution in America.

The girl, Beryl Slocum, is the daughter of Mr. and Mrs. John Slocum of the State Department, and her ancestors go back to Miles Standish, a Pilgrim father famous in song and story.

The boy is Adam Clayton Powell III, whose many times great-grandfather was known only by his first name or his slave number. The first date to which anyone could trace a member of the Powell family was May 4, 1868, when Adam Clayton Powell Sr. was born in Franklin County, Va., twenty-five days after Lee's surrender to Grant at Appomattox. Powell never knew his father. His mother was part Indian and her father was German.

This was some time after Beryl Slocum's ancestors, Roger Williams and Chad Brown, had founded the State of Rhode Island. It was also at a time when the Powell family in Virginia was barely able to stay alive.

"My maternal grandmother," wrote Adam Powell Sr., "was very fond of eating rats. She was a great hunter of small game. My earliest recollections were of direst poverty. The wealth of the South had been destroyed by the Civil War, and both white and poor colored suffered together."

By this time Miss Slocum's grandparents were well established in Rhode Island, and her great-grandmother was the social arbiter in that mecca of summer society, Newport.

Powell's Schooling

At about this time the bridegroom's grandfather, Adam Powell Sr., had started his first day of school. He wrote later: "The first big day in my life was Oct. 1, 1871. On that day I discarded my old tern shirt, put on a pair of trousers woven by my grandmother, and started to school. The school was five miles from our cabin and was taught by a white man named Jake Bowles. That morning when I entered the log schoolhouse, I could not name a single letter. The alphabet looked to me like a crossword puzzle. When school dismissed that evening, I could name the 26 letters which make the English language. The next day I said them backwards."

Since then, the Slocum granddaughter has graduated from Washington's Cathedral School and later Radcliffe. She has written poetry, and one of her works was published in the "Anthology of Modern Poetry."

About the turn of the century, Adam Powell Sr. [illegible] plied himself up [illegible] saloons and gambling dens of

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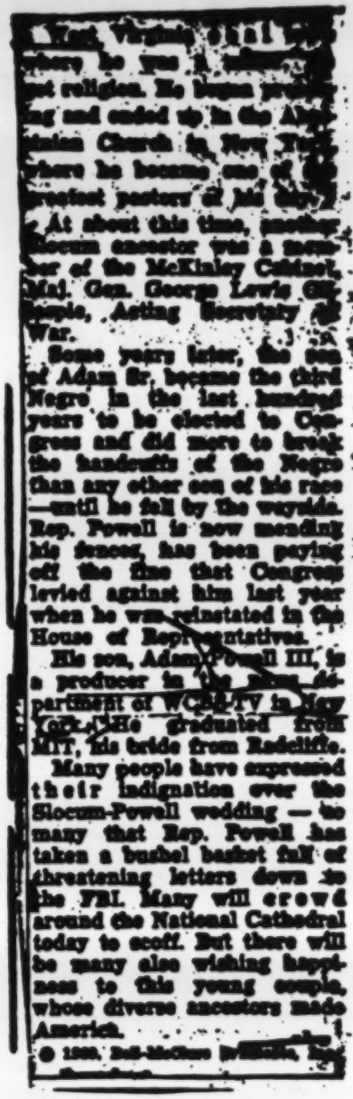

West Virginia [illegible]
theory he was a minister
got religion. He began preach-
ing and ended up in the Abys-
sinian Church in New York
where he became one of
greatest pastors of his day.

At about this time, another
Slocum ancestor was a mem-
ber of the McKinley Cabinet,
Maj. Gen. George Lewis Gil-
lespie, Acting Secretary of
War.

Some years later, the son
of Adam Sr. became the third
Negro in the last hundred
years to be elected to Con-
gress and did more to break
the handcuffs of the Negro
than any other son of his race
—until he fell by the wayside.
Rep. Powell is now mending
his fences, has been paying
off the fine that Congress
levied against him last year
when he was reinstated in the
House of Representatives.

His son, Adam Powell III, is
a producer in the news de-
partment of WCBS-TV in New
York City. He graduated from
MIT, his bride from Radcliffe.

Many people have expressed
their indignation over the
Slocum-Powell wedding — so
many that Rep. Powell has
taken a bushel basket full of
threatening letters down to
the FBI. Many will crowd
around the National Cathedral
today to scoff. But there will
be many also wishing happi-
ness to this young couple,
whose diverse ancestors made
America.

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ADAM CLAYTON POWELL III

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5-30 (Rev. 7-17-68)

Powell Contempt Case Not Resolved by Ruling

By ROBERT L. THOMPSON

[illegible] Supreme Court's ruling [illegible] that the House of Representatives had acted unconstitutionally two years ago when it excluded Adam Clayton Powell, still leaves unresolved [illegible] the chief charge for the Harlem Representative's expulsion by his colleagues.

The House resolution prohibiting Mr. Powell from joining the 90th Congress listed as its first cause his "contumacious conduct" toward the New York courts in a torturous defamation case, but the state courts have still not resolved the issue of whether he is in criminal contempt.

As of yesterday, however, Representative Powell was not in contempt of any court in the state.

But he has been held in civil contempt on at least three occasions on charges brought by Mrs. Esther James, a 72-year-old former domestic who has now retired to her birthplace in Jamaica, W.I. and the woman who sued for defamation when the Representative called her a "bag woman" or go-between for gamblers and crooked police.

Mr. Powell made that statement on a television broadcast in 1960. Since then, Mrs. James has been unremitting in her legal efforts to get the Congressman to apologize and, when that failed, to get him to pay damages, both as punishment and to compensate for any loss to her reputation.

$36,000 Paid Thus Far

Thus far, she has collected $36,000, mainly from two bank accounts that were being maintained in Mr. Powell's name.

The Appellate Division is expected to sign soon an order directing Mr. Powell to pay Mrs. James an additional $500 for civil contempt, following its ruling two months ago that he was not guilty of criminal contempt.

When the five-man court signs the order, the way will be open for Raymond Rubin, the lawyer who has provided Mrs. James with [illegible] legal services throughout the protracted case, to [illegible] the Court of Appeals, the state's highest [illegible] whether Mr. Powell is [illegible]

[illegible] distinction between criminal and civil contempt is of crucial significance. While the law makes distinctions as to the meaning of the two types of contempt, the conduct that specifically causes each in a case [illegible]

When the resolution excluding Mr. Powell spoke of how he "repeatedly ignored the processes and authority of the State of New York," the House was defining what was obviously criminal contempt, a quasi-criminal act akin to a misdemeanor, in which a defendant has violated a court directive and, by extension, the people of the state.

At the time the resolution was passed, Mr. Powell had been found guilty of such contempt. Since then, that charge had been reversed, reinstated and then again vacated, where it now stands.

Civil Contempt Less Serious

Civil contempt, a far less serious charge, involves a wrong committed by a defendant to a plaintiff in a civil case. While the courts can issue orders supporting the plaintiff, even to the extent of putting the defendant in jail, the dispute is considered one between two parties in a suit.

In its exclusion resolution, the House majority said that "on several occasions" Mr. Powell had been adjudicated in contempt, seemingly lumping together the civil and criminal contempts.

These contempts, the House said, thereby reflected "discredit upon and bringing into disrepute the House of Representatives and its members."

When the House permitted the seating of Mr. Powell last year, the criminal contempt adjudication against him had been vacated.

Whether Mr. Powell's conduct during the litigation in the defamation case was so extreme as to be an affront to the court itself and to the people of New York will have to be finally resolved by the Court of Appeals.

The Supreme Court has declined to consider [illegible]

[illegible] distinction between civil and criminal contempt is [illegible] in this case, which was made extremely complicated by the fact that the defendant was a sitting Representative. If the criminal contempt charge is sustained, Mr. Powell could be subject to 30 days in jail. However, the Constitution provides immunity from arrest to Congressmen in civil cases while Congress is in session.

Whether the issue should be under the civil or criminal domain still stands, have to be [illegible]

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High Court Finds House Wrong in Powell Exclusion

By John P. MacKenzie
Washington Post Staff Writer

The Supreme Court declared yesterday that the House of Representatives exceeded its powers when it excluded Rep. Adam Clayton Powell Jr. (D-N.Y.) from the 90th Congress.

The decision, written by Chief Justice Earl Warren, overturns an opinion written by the man who soon will succeed him—Judge Warren E. Burger.

Brushing aside warnings of a historic confrontation with Congress in the Powell case, Warren said the "alleged conflict" with another branch of government "cannot justify the courts' avoiding their constitutional responsibility" to interpret the Constitution.

The Constitution, Warren said in a 63-page opinion, sets the basic qualifications for membership in the House—age, American citizenship and residency—without giving the House power to establish additional criteria.

The 7-to-1 decision was one of the boldest rulings of the Supreme Court under Warren, whose turbulent 16-year tenure as Chief Justice ends next Monday, and it came in the case of one of the most controversial figures on the political scene.

Any head-to-head clash between the courts and Congress is most likely to come when, under Warren's ruling, the Federal District Court here must decide whether to award Powell the $25,000 salary he lost during his exclusion.

The back pay matter was the issue that kept the case legally alive in the high court after Powell was seated Jan. 3 for the 91st Congress and a $25,000 fine was being deducted from his pay in monthly installments of $1190. Lawyers for the House, supported only by Justice Potter Stewart in his dissenting opinion, argued that the passage of time had ended the 90th Congress and killed the controversy.

Under Warren's reasoning the elected members sued by Powell are exempt from suit under traditional rules of Congressional immunity but the responsible functionaries—Clerk W. Pat Jennings, Sergeant-at-Arms Zeake W. Johnson and Doorkeeper William (Fishbait) Miller—are obliged to carry out their duties of treating Powell as if he had been a Congressman. The crunch would come when a court instructs them to pay him.

That kind of conflict was foreseen by Judge Burger in an opinion rejecting Powell's lawsuit last year in the United States Court of Appeals.

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power to exclude Adam Clayton Powell's last campaign should the case [illegible] to have "inappropriate for judicial consideration." He said [illegible] in Powell's favor would at best be a gesture hardly supporting with any [illegible] of separate co-equal [illegible] of the Federal [illegible] government.

[illegible] judicial self-denial, [illegible] in varying degrees by the Yellow Court of Appeals [illegible], as pleased supporters of Congressman Powell's written opinion was included as part of the brief record of his swift Senate confirmation.

The Judge said there was danger of "a direct confrontation" with the House that "would give rise to a classic political question."

In sharp contrast, Warren said the case, while difficult, was no harder than many others that must be decided by the Court "as the ultimate interpreter of the Constitution."

Such action "falls within the traditional role accorded the courts to interpret the law," Warren said, and "does not involve a lack of respect due a coordinate branch of government" since courts are always examining Congressional actions for constitutionality.

Warren devoted two dozen pages to an examination of the few historical precedents on Congress's powers over its members. He found them inconsistent and held them to be not controlling and added that in any event the Court must vindicate the right of the people who voted for Powell.

Hamilton Quoted

"A fundamental principle of our representative democracy," Warren said, "is, in Hamilton's words, 'that the people should choose whom they please to govern them.'"

Congress has an unquestioned interest in "preserving its institutional integrity," Warren said, "but in most cases that interest can be sufficiently safeguarded by the exercise of its power to punish its members for disorderly behavior and, in extreme cases, to expel a member with the concurrence of two-thirds."

Powell, joined by several constituents from his Harlem district, the 18th in New York, went to court after the House, by a vote of 307 to 116, denied him his elected seat for the duration of the 90th Congress.

[illegible] New York [illegible] Powell [illegible] Committee [illegible] Committee [illegible] to cooperate with House investigators.

Powell's lawyers, who included Arthur M. Kinoy of New York and Hubert I. Reid of Washington, maintained from the beginning that they were not trying to get [illegible] order that forced a Congressman to change his vote, as argued by Bruce Bromley, the New York lawyer hired specially by the House.

Instead, Powell's lawyers contended, the courts had only to declare the Congressman's rights, which would leave the House staff with a simple "ministerial duty" to provide him with the emoluments of a member of Congress.

Disposes of Points

Warren's opinion took up Bromley's points and disposed of them one by one. He said the case was not moot—legally dead—because there was a "viable" and "hotly contested" dispute over salary.

He then said the House was not immunized from suit by the speech or debate clause of the Constitution, which says that "for any speech or debate in either House" Senators and Representatives "shall not be questioned in any other place."

That clause was meant to protect Congress from harassment and encourage lively debate and courageous legislative action, said Warren, affirming the lower courts' dismissal of the suit as to House Speaker John W. McCormack (D-Mass.) and other elected members, but it doesn't immunize the Clerk, Sergeant-at-Arms and Doorkeeper.

Rejected next was the contention that since the exclusion vote was passed by more than a two-thirds majority, which was enough to expel a member, the case should be treated as an expulsion which would be harder to attack in

[illegible] satisfaction at this point [illegible] the Powell lawyers repeatedly urge this Court [illegible] to speculate as to the reasons for Powell's exclusion, [illegible] attempt to equate exclusion with expulsion would ignore [illegible] simpler specification that the House would have [illegible] to expel Powell had it been faced with that question."

Political Question

Warren then agreed with Burger and the lower court that the single issue of the judicial power of the judiciary to deal with the subject matter in the controversy. Then he reversed the lower court for finding that the case raised an unmanageable "political question."

Citing the reapportionment decision and other precedents, Warren said the courts were barred from certain cases as to "political" chiefly when the Constitution's own words commit a matter completely to another branch of government.

If the Constitution said Congress could establish members' qualifications as well as judge them, Warren said courts might be prohibited from passing on an exclusion resolution.

On the other hand, if the phrase about the power of Congress to "judge the qualifications of its members" means that Congress is limited to age, citizenship and residency, the courts do have a role to play, said Warren. That brought the Chief Justice to the key conclusion that the power of Congress was limited to deciding those three questions.

Stewart's 13-page dissent did not object to the Court's line of reasoning but said the entire case should be considered moot in light of Powell's re-election last November and his subsequent seating in the House.

Rep. Powell: "... people have a stake in this."

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UPI-90
(POWELL)

WASHINGTON--HOUSE LEADERS, SENSITIVE TO THE LAW AND ORDER ISSUE, TODAY SOUGHT A WAY OUT IN A THREATENED CONFRONTATION WITH THE COURTS ON REP. ADAM CLAYTON POWELL'S BACK PAY.

ALL SIGNS WERE THAT THE HOUSE, IN ITS PRESENT MOOD, WOULD DEFY ANY ATTEMPT BY POWELL TO COLLECT SALARY FOR THE 22 MONTHS HE WAS BARRED FROM THE 90TH CONGRESS. MEMBERS WERE FRANKLY ANGERED BY MONDAY'S 7 TO 1 SUPREME COURT RULING THAT THE HARLEM DEMOCRAT'S EXCLUSION WAS ILLEGAL.

THE QUESTION OF HIS LOST PAY -- TOTALLING $55,000 -- WAS REMANDED TO THE LOWER COURTS FOR FURTHER CONSIDERATION. POWELL AT A NEWS CONFERENCE IN BIMINI TODAY SAID HE HAS NOT DECIDED WHETHER TO PRESS THE PAY CLAIM.

MOST MEMBERS ASSUMED THAT HE WOULD, AND THAT AS A LOGICAL CONSEQUENCE OF THE HIGH COURT'S RULING LOWER COURTS, AND EVENTUALLY THE SUPREME COURT, WOULD UPHOLD AT LEAST PARTIALLY POWELL'S RIGHT TO COLLECT.

SPEAKER JOHN W. MCCORMACK, STILL DECLINING SUBSTANTIVE COMMENT, SIGNALLED A COOL-OFF IN THE POWELL DEBATE. HE NOTED THAT NO IMMEDIATE RESPONSE BY THE HOUSE IS REQUIRED, AND CALLED ON THE LAWYER MEMBERS OF THE JUDICIARY COMMITTEE TO GIVE IT "STUDY AND THOUGHT."

REPUBLICN LEADER GERALD R. FORD, JOINING IN CRITICISM OF THE COURT'S ALLEGED INFRINGEMENT ON A PURELY CONGRESSIONAL MATTER, AFFIRMED A REPORTER'S ASSESSMENT THAT THE HOUSE APPEARED READY TO REJECT ANY ORDER TO PAY POWELL FOR THE LOST SERVICE TIME.

HE DECLINED TO SAY HOW HE HIMSELF WOULD VOTE ON THIS ISSUE, POINTING OUT THAT THIS MIGHT DEPEND ON HOW IT WAS PUT AND ON OTHER FACTORS.

ASKED IF HOUSE DEFIANCE OF A COURT ORDER TO PAY POWELL WOULD ENCOURAGE OTHERS, IN SITUATIONS WHERE THEY BELIEVE A RIGHT IS INVOLVED, ALSO TO DEFY THE LAW OR THE COURTS, FORD REPLIED:

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"NO, I DON'T THINK SO AT ALL."

HE SAID THE SITUATION IS "ENTIRELY DIFFERENT" FROM THAT OF YOUTHS DEFYING THE DRAFT, FOR INSTANCE, SINCE IT INVOLVES THE CONSTITUTIONAL SEPARATION OF POWERS IN THE THREE BRANCHES OF GOVERNMENT.

FORD SAID HE BELIEVES AMERICANS CAN SEE THIS DIFFERENCE AND THAT THE PUBLIC REACTION GENERALLY WOULD BE AGAINST A MOVE TO GIVE BACK PAY TO POWELL WHO EVEN NOW THAT HE HAS BEEN SEATED, FORD SAID, RARELY SEEMS TO ATTEND TO HIS CONGRESSIONAL DUTIES.

MCCORMACK DODGED AN ANSWER TO THE LAW-AND-ORDER QUESTION PUT TO FORD. HE WAS READY FOR HIS NEWS CONFERENCE QUESTIONERS HOWEVER WITH A STATEMENT IN WHICH HE SAID, "I AM SURE THAT MEMBERS OF THIS BODY WILL STUDY AND WEIGH THE ARGUMENTS OF THE MAJORITY AND THE MINORITY OF THE COURT AND WILL, IN THEIR GOOD TIME,RESOLVE THE MATTER AS THEIR WISDOM DICTATES."

FORD NOTED THAT HE AND OTHER HOUSE LEADERS OF BOTH PARTIES HAD SOUGHT TO AVERT JUST SUCH A SHOWDOWN AS THAT NOW IN THE MAKING WHEN THEY MOVED TWO YEARS AGO TO SEAT POWELL AND THEN TO DISCIPLINE HIM FOR THE PAYROLL AND TRAVEL ABUSES OF WHICH HE WAS ACCUSED. THE HOUSE REJECTED THIS MOVE AND BARRED POWELL FROM THE 90TH CONGRESS.

MEANTIME, ANGER CONTINUED TO BOIL ON THE HOUSE FLOOR.

REP. JOE D. WAGGONNER JR., D-LA., SPOKE OF CUTTING OFF SALARIES OF THE SUPREME COURT JUSTICES. BUT WHEN AN OPPORTUNITY ARRIVED IN THE FORM OF AN EMERGENCY APPROPRIATION TO PAY JUNE GOVERNMENT WAGES, WAGGONNER DECLINED TO SEIZE IT.

REP. ROBERT G. STEPHENS JR., D-GA., ANNOUNCED HE HAD INTRODUCED A BILL THAT

7 WOULD PROHIBIT THE COURTS FROM ACTING ON A DISPUTE BETWEEN AN INDIVIDUAL AND CONGRESS.

"UNTIL YEETERDAY," SAID STEPHENS, "ALL THE LAWYERS AND ALL THE JUDGES, EXCEPT SEVEN, THOUGHT THIS WAS THE LAW."

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5-30 (Rev. 9-27-67)

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UPI-14
(POWELL)

WASHINGTON--A LAWYER WHO HELPED REP. ADAM CLAYTON POWELL WIN HIS LEGAL BATTLE AGAINST THE HOUSE OF REPRESENTATIVES WAS PAID $3,665.67 FOR THREE MONTH'S WORK ON POWELL'S CONGRESSIONAL PAYROLL, RECORDS SHOWED TODAY.

THE LAWYER, HERBERT O. REID SR., SAID THE WORK WAS NOT RELATED TO POWELL'S COURT BATTLE. HOWEVER, HE SAID IT WAS FOR DUTIES AS A TEMPORARY ADMINISTRATIVE ASSISTANT DURING FEBRUARY, MARCH AND APRIL OF THE CURRENT YEAR.

REID, A LAW PROFESSOR AT HOWARD UNIVERSITY IN WASHINGTON, SAID POWELL WAS HAVING TROUBLE FINDING AN ADMINISTRATIVE ASSISTANT WHEN HE RETURNED TO CONGRESS IN JANUARY AFTER TWO YEARS' ABSENCE AND "I SAID I'D GIVE HIM A HAND UNTIL HE FOUND SOMEBODY. I HELPED ORGANIZE THE STAFF AND RUN THE OFFICE."

REID WAS ONE OF SEVERAL LAWYERS WHO HELPED POWELL WIN THIS WEEK'S DECISION FROM THE SUPREME COURT.

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UPI-81

(POWELL)

WASHINGTON--REP. CHARLES C. DIGGS JR., D-MICH., TODAY INTRODUCED A RESOLUTION THAT WOULD RESTORE TO REP. ADAM CLAYTON POWELL, D-N.Y., THE SENIORITY AND BACK PAY THE HOUSE TOOK AWAY FROM HIM.

DIGGS, NOTING THAT THE SUPREME COURT LAST MONDAY HAD RULED IN POWELL'S FAVOR URGED HIS COLLEAGUES TO PUT ASIDE THEIR PERSONAL VIEWS AND COMPLY WITH THE DECISION.

"THE INTEGRITY OF THIS BODY IS NOW SPOTLIGHTED," DIGGS SAID IN A FLOOR SPEECH. "IF THE HOUSE FOLLOWS THE SUGGESTIONS OF THOSE WHO WOULD DEFY THIS EDICT, ITS REPUTATION AS THE CITADEL OF LAW AND ORDER AND JUSTICE WILL BE SORELY TARNISHED. I TRUST WE WILL ACT ACCORDINGLY."

DIGGS' [redacted] WOULD OVERTURN PENALTIES INVOKED AGAINST POWELL IN TWO SEPARATE HOUSE ACTIONS. THE FIRST WOULD RESCIND PROVISIONS OF A RESOLUTION ADOPTED JAN. 3 OF THIS YEAR DROPPING HIM TO THE BOTTOM OF THE SENIORITY LADDER.

THE SECOND WOULD DIRECT THE CLERK OF THE HOUSE TO PAY POWELL ALL THE SALARY, SOME $25,000, AND ALLOWANCES THAT HE WAS DEPRIVED OF AS THE RESULT OF HIS EXCLUSION ON MARCH 1, 1967.

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WP1-29

(POWELL)

NEW YORK--REP. ADAM CLAYTON POWELL, D-N.Y., SAID YESTERDAY HE DID NOT CARE ABOUT HIS BACK PAY FROM CONGRESS, OR RESTORED SENIORITY.

POWELL SAID "THE ISSUE OF PAY HAS NEVER BEEN DISCUSSED BY ME OR ANYBODY ELSE." HE THUS DENIED A NEWSPAPER REPORT THAT CHARGED POWELL MADE A "DEAL" WITH HOUSE COLLEAGUES TO REFUSE TO PURSUE $55,000 IN BACK PAY AFTER THE SUPREME COURT DECISION.

POWELL SAID THE MATTER OF HIS BACK PAY AND SENIORITY WOULD BE HANDLED THROUGH THE COURTS.

"IF I GET THE BACK PAY, I WOULD NOT ACCEPT IT. I WOULD GIVE IT TO MY LAWYERS," HE SAID REFERRING TO ATTORNEYS WHO HAD DEFENDED HIM FOR FREE.

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Powell Urges Unity to Cure 'Sick Society'

Adam Clayton Powell Jr., riding the wave of his Supreme Court victory, urged the Benjamin Franklin High School graduating class yesterday to "march together" to change America's "sick society."

"We don't want any more Uncle Toms," he declared. "We don't want any more Aunt Jemimas. We got 8 million (Negroes and Puerto Ricans) in this city; together we can make this town go."

The Harlem congressman took off his jacket, raised his right fist and roared to the 497 seniors: "You got to be bad. You got to be mad. Say it aloud. Be proud!" The class responded, "Yeah!"

Says God Guides Court

As for the Supreme Court ruling last week that held that he was illegally excluded from the 91st Congress, Powell said: "If you're right, God will make the Supreme Court make the right decision."

Powell told the class, 97 of whom are going on to college: "Don't go to college unless you can go to graduate school. The A.B. today is nothing more than a B.S. If you can't go to graduate school, get into the IBM program."

"Who knows," said Powell. "One of you may be a Malcolm X, a John Kennedy, a Roberty Kennedy, a Martin Luther King. Think big. You are as good as anybody.

"Look for Justice"

"Don't let anyone push you around," he said. "You don't have to take it. Go out and look for justice."

Powell raged against the Vietnam war, "a senseless war."

"How dare we think we can impose the kind of democracy we don't practice in Harlem?" he said.

"Don't think it's hopeless," he added. "Nineteen seventy-two is our year, when Ted Kennedy will run for President and Julian Bond will run for vice president. You go out and march together, fight together, picket together, and, by God, you'll win together."

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MAX LERNER

A-11

Powell Ruling a Historic Act Settling Nothing

By MAX LERNER

THE fifth saga of Earl Warren and Warren Earl Burger, the drama of Adam Clayton Powell. If you like political theater, it is sometimes high tragedy and sometimes high or low comedy. Count this as high comedy.

Delicious Bum One: Earl Warren, leaving the Supreme Court after 15 memorable years, smiling, despite T. S. Eliot, not with a whimper but a bang, picks as his final big decision the one in which he directly overrules a lower court decision by Warren Earl, now his successor. If Gilbert and Sullivan had stage-manager at exactly that way, the critics would have cited it as proof of their theatrical genius.

Delicious Bum Two: Adam Clayton Powell, holding a press conference at his Bimini redoubt, is for once struck almost silent by the majesty of the decision. Dressed soberly, speaking in a low voice, all he could say was that he was "overwhelmingly grateful with humility." A court that can produce humility in Adam Powell can work other miracles as well.

Delicious Bum Three: In constitutional terms, this is a historic decision, and to me, for one, the exactly right ruling, but in practical terms it settled nothing while unsettling several things. It gave Powell back his House seat, which he has anyway, having been re-elected since the House action of "unseating" him from it. It didn't return to him his fine, his back pay or his committee seniority, which Earl Warren shrewdly left for the lower court (and perhaps Warren Earl later?) to haggle over with Congress. And it left the lawsuits and contempts of court against Powell in complete chaos.

In the high drama of Supreme Court history, which is neither comedy nor tragedy but straight political theater, the importance of the decision is related to the doctrine of "political questions."

Over the years the court has burnt itself a number of times with issues that are primarily "political," however vaguely the term is. It therefore develops the healthy doctrine of refusing to snatch anyone's political chestnuts out of the fire. But this doctrine also served as a way of rationalizing the court's cowardice or hubris, as on the question of apportionment in voting. In Baker v. Carr, the Warren Court moved finally into the problem, when the other two branches of government had failed to act, and guaranteed every man his one vote.

The Powell ruling is a follow-up on the Baker case. It is a one-congressman one-vote ruling by saying that the House of Representatives cannot unseat a congressman who meets the skeletal constitutional requirements, whatever his behavior, unless it is willing to expel him formally by a two-thirds vote.

Many will doubtless be shocked at what will seem to them a judicial whitewashing of Powell's shenanigans and will mark it down as another

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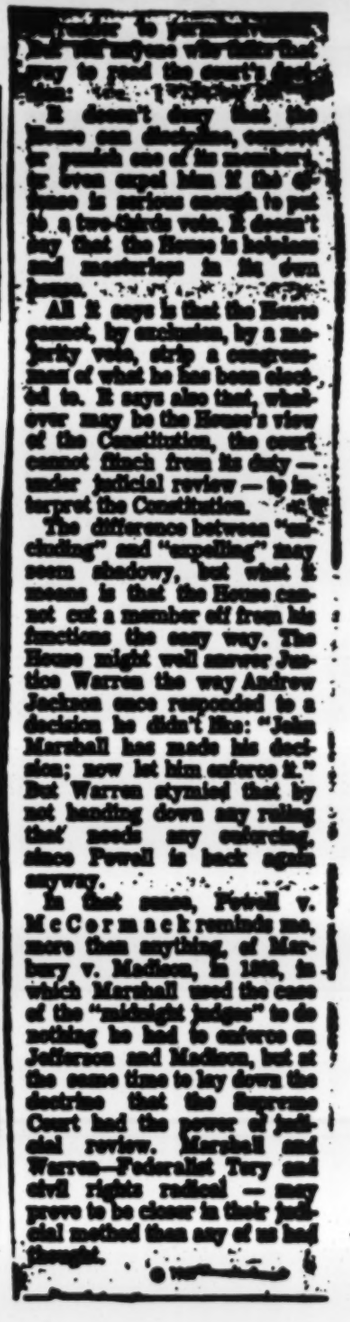

It doesn't deny that the House can discipline, censure or punish one of its members, or even expel him if the offense is serious enough to get the necessary two-thirds vote. It doesn't deny that the House is helpless and masterless in its own house.

All it says is that the House cannot, by exclusion, by a majority vote, strip a congressman of what he has been elected to. It says also that, whatever may be the House's view of the Constitution, the court cannot flinch from its duty — under judicial review — to interpret the Constitution.

The difference between "excluding" and "expelling" may seem shadowy, but what it means is that the House cannot cut a member off from his functions the easy way. The House might well answer Justice Warren the way Andrew Jackson once responded to a decision he didn't like: "John Marshall has made his decision; now let him enforce it." But Warren stymied that by not handing down any ruling that needs any enforcing, since Powell is back again anyway.

In that sense, Powell v. McCormack reminds me, more than anything, of Marbury v. Madison, in 1803, in which Marshall used the case of the "midnight judges" to do nothing he had to enforce on Jefferson and Madison, but at the same time to lay down the doctrine that the Supreme Court had the power of judicial review. Marshall and Warren—Federalist Tory and civil rights radical — may prove to be closer in their judicial method than any of us had thought.

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UPI-103

(POWELL)

WASHINGTON--REP. ADAM CLAYTON POWELL, D-N.Y., WAS SETTLED ON A WAIT-AND-SEE STRATEGY IN HIS COURT BATTLE WITH THE HOUSE. HIS OPPONENTS, MEANWHILE, ARE PONDERING WHETHER TO PURSUE A LEGAL AVENUE THAT COULD DELAY A SHOWDOWN FOR MONTHS.

ACCORDING TO THOSE CLOSEST TO HIM, POWELL WAS MADE NO HARD DECISIONS ON EXACTLY HOW HE WILL SEEK TO TAKE ADVANTAGE OF THE DECISION THE SUPREME COURT HANDD DOWN IN HIS FAVOR ON JUNE 16.

ON THAT DAY THE HIGH COURT RULED THE HOUSE HAD ACTED UNCONSTITUTIONALLY WHEN IT EXCLUDED HIM FROM THE 90TH CONGRESS MORE THAN TWO YEARS AGO. THE TRIBUNAL DIRECTED THAT THE U.S. DISTRICT COURT HERE CONSIDER APPROPRIATE REMEDIES FOR THE WRONG IT SAID WAS DONE TO POWELL.

FOLLOWING THE HISTORIC AND CONTROVERSIAL DECISION, MANY HOUSE MEMBERS LET LOOSE WITH SHOUTS OF DEFIANCE, CONTENDING THAT THE HIGH COURT HAD BREACHED THE TRADITIONAL WALL SEPARATING THE THREE BRANCHES OF GOVERNMENT. SOME LAWMAKERS DEMANDED THAT IF NECESSARY THE HOUSE IGNORE ANY COURT ORDER THAT IT PAY POWELL BACK THE $55,000 IN WAGES HE MISSED OUT ON IN THE 90TH CONGRESS.

BUT NOW IT APPEARS THAT ANY CONFRONTATION IS SOME WEEKS--AND PERHAPS SOME MONTHS--OFF.

A LITTLE NOTICED RULE OF THE SUPREME COURT PERMITS LOSING PARTIES 25 DAYS IN WHICH TO PETITION FOR A REHEARING OF THEIR CASE BY THE HIGH COURT. FOR THE LAWYERS REPRESENTING POWELL THE DEADLINE IS MIDNIGHT, JULY 11.

ALTHOUGH A HOUSE SOURCE SAID HE HAD SEEN NOTHING TO INDICATE THE HOUSE WOULD TAKE ADVANTAGE OF THE RULE, ONE OF ITS LAWYERS, AX TRUITT, OF THE WASHINGTON LAW FIRM OF WILMER CUTLER & PICKERING, POLITELY RECLINED TO ANSWER THE QUESTION.

WHILE THE ODDS ARE HEAVILY AGAINST THE COURT GRANTING A REHEARING, THE MERE ASKING FOR ONE COULD PUT OFF A SHOWDOWN TO LATE FALL.

THE COURT IS CURRENTLY IN RECESS UNTIL OCTOBER AND WOULD NOT ACT ON A PETITION UNTIL AFTER THEN, AND THE JUNE 16TH DECISION CANNOT BE SENT DOWN TO THE LOWER COURT UNTIL THE PETITION IS DISPOSED OF.

THE EARLIEST POWELL'S LAWYERS CAN MOVE IS JULY 12. AT PRESENT, THEY ARE PLANNING TO ASK THE COURT TO WIPE OUT THE MARCH 1, 1967 RESOLUTION THAT EXCLUDED THEIR CLIENT AND THE JAN. 3, 1969 RESOLUTION WHICH TIED HIS SEATING IN THE 91ST CONGRESS TO A $25,000 FINE, A LOSS OF HIS 22 YEARS OF SENIORITY.

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THE THINKING AMONG POWELL'S LEGAL STRATEGISTS AT THE MOMENT IS TO FIRST OVERTURN THE TWO RESOLUTIONS AND THEN ALLOW POWELL AND THE HOUSE LEADERS TO WORK OUT A POSSIBLE COMPROMISE.

CONTRARY TO SOME REPORTS, THE HARLEM LAWMAKER IS NOT WILLING TO TRADE OFF ALL OF HIS POTENTIAL MONEY GAIN FOR A DECISION BY THE HOUSSE TO RETURN HIM HIS SENIORITY.

BUT THERE ARE INDICATIONS THAT HE WOULD NOT CONTEST THE $25,000 FINE--WHICH HIS LAWYERS BELIEVE SHOULD ALSO BE REVOKED UNDER THE SUPREME COURT DECISION--IF THE HOUSE WOULD YIELD ON THE BACK PAY ISSUE, AND PERHAPS ON SENIORITY.

"FOR THE TIME BEING, HE'S JUST SITTING TIGHT," SAID ONE ASSOCIATE EXPLAINING POWELL'S RELATIVE SILENCE SINCE HIS SUPREME COURT VICTORY.

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Powell Ruling Ready to Go Into Effect

By LYLE DENNISTON
Star Staff Writer

The Supreme Court plans to issue today or tomorrow — with no ceremony and no announcement — the formal order putting into effect its controversial ruling in favor of Rep. Adam Clayton Powell, D-N.Y.

On June 16, the justices ruled—7 to 1—that the House had acted unconstitutionally in 1967 in refusing to admit Powell as a member.

The 25-day period usually allowed before formal "mandates" are issued to carry out high court rulings ends today. Such a delay is designed to give the losing party a chance to ask for reconsideration.

The period lapses without any such request by the House. While many lawmakers were clearly upset by the court decision, Speaker John McCormack, D-Mass., turned over to the House Judiciary Committee the issue of whether the House should be anything. It took no action.

Back to Appeal Court

The first opportunity for a challenge would have been a request for a rehearing by the justices. This at least would have delayed the formal order to carry out the decision.

Now, the order will be issued routinely by the court's clerk, and this will send the Powell case back to the U.S. Court of Appeals here. It will then be up to Powell's attorneys to renew there his demands that he be [illegible] 90th Congress.

Presumably, the Appeals Court could deal directly with that itself, send the matter back to the U.S. District Court here, or rule that the issue had to go to another court—the U.S. Court of Claims.

Attorneys for the Harlem Congressman are also expected to demand, in the lower courts, that the House be barred from continuing to assess a $25,000 fine against him. The House imposed that fine in January, as the price of admitting Powell to the 91st Congress. It also took away his 22 years of seniority.

No Power to Bar

Powell's colleagues had barred him in 1967 on the grounds that he misused congressional committee funds, that he refused to cooperate with a House investigation of his fund use, and that he defied New York state courts handling a defamation lawsuit against him.

The high court, in its decision last month, said the House had no power to bar an elected member from his seat. If a representative meets the qualifications set in the Constitution—25 years of age, seven years of U.S. citizenship, and residency in the state he represents—he must be allowed to take his place, the court said.

However, the court did make a gesture toward the House, holding that Powell's lawsuit could not be maintained against House members themselves, but could only be aimed at House staff members.

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House refuses to drop Powell fine

[redacted] for the House of Representatives rejected an offer of compromise from Rep. Adam Clayton Powell yesterday, insisting he is owed no restitution for his illegal exclusion from the 90th Congress.

The action threatened to renew the whole dispute between the high-stepping Harlem Democrat and the House, and at the same time precipitate a sticky clash between the courts and Congress.

Rep. Powell had offered the House a way out last week by proposing to drop his claim for $25,000 back pay if the House would rescind a $25,000 fine it levied against him in January as a condition of his seating in the 91st Congress.

But a House attorney, Bruce Bromley, told Federal District Judge George L. Hart Jr. yesterday that Rep. Powell had no back pay coming to him because the House was entitled to "off-set $25,000 and maybe more" in public moneys its investigators concluded Rep. Powell had misused.

The $25,000 fine, he argued, was not a part of the case.

"He surely comes before this court with unclean hands," Mr. Bromley said.

In ruling that the House illegally denied Rep. Powell a seat in 1967 and 1968, the Supreme Court returned the case to Federal District Court for action to say "further proceedings consistent with this decision."

Herbert O. Reid and Arthur Kinoy, lawyers for Rep. Powell, said this should take the form of a judicial declaration by Judge Hart that Powell is owed back pay and that the fine represents a "continuation of the illegal exclusion."

TOP CLIPPING
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AUG 28 1969

Attorneys for Rep. Adam Clayton Powell, Prof. Herbert Reid of Howard U., left, and Arthur Kinoy of Rutgers U., leave U. S. District Court here after presenting arguments in Rep. Powell's suit against the House. —UPI Photo

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House Tack on Powell May Lead to High Court

Lawyers for the House are taking a tack in the dispute with Rep. Adam Clayton Powell Jr. that may lead to another confrontation with the Supreme Court.

The high court ruled earlier this year that House members illegally barred the Harlem Democrat from the 90th Congress. But the court left the question of back pay or other redress to be settled by the U.S. District Court here.

By thus avoiding specifics, the Supreme Court averted a situation in which the House would be faced with a direct judicial dictate that many congressmen felt resentful colleagues might agree to duty.

But at the same time the high court sowed the seeds of renewed dispute.

At the invitation of District Court Judge George L. Hart Jr., both sides have presented their proposals for settlement and the House lawyers are not budging.

In oral arguments yesterday they staked a new position that would revive the primary charges and countercharges raised in the initial suit ruled on by the high court. Powell is asking for judicial declarations that he is owed $55,000 in back pay and that a $25,000 fine imposed as a condition of his seating in the present Congress is a "continuation of the illegal exclusion."

By stopping short of seeking a court order that the House pay up, Powell's lawyers indicated room would be left for compromise. They already have offered to drop the back pay claim if the House will drop the fine.

But chief House lawyer Bruce Bromley said the House feels Powell has nothing coming to him and revived the argument that it was entitled to collect funds to "offset $40,000 and maybe more" in public money that House investigators concluded Powell misused.

Bromley also argued that the fine was a product of the 89th Congress, not the 90th which excluded Powell and had nothing to do with the issue. Hart said he agreed.

But if the House persists in the misuse of funds approach, and convinces Hart it must be taken into account in any settlement, the way will be opened for a whole new round of litigation that could once again reach the Supreme Court.

File

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56 SEP 16 1969

Powell Is Rebuffed In Bid for Lost Pay

[illegible] Chester Powell's [illegible] claim that he is entitled to recover his pay because of the U.S. Supreme Court ruling that his exclusion from the 90th Congress was unconstitutional was rejected by a federal judge yesterday.

Before the New York Democrat can get his $25,000 in back pay, Judge George L. Hart Jr. said, he will have to refute in court charges by the House that he misappropriated congressional funds.

Hart said that in making a claim for his salary Powell is bound by the historic legal doctrine of "clean hands." Since attorneys for the House leadership claim that Powell's hands were soiled by the misuse of at least $40,000, they are entitled to present their evidence as a counterclaim to the salary demand.

Hart refused even to consider the question of Powell's 24 years of seniority or the $25,000 fine that the House imposed on him as a condition of being allowed to take his seat this year.

The resolution that fined Powell and stripped him of his seniority, the judge said, was passed by the 91st Congress and only the actions of the 90th are before him.

The Supreme Court ruled in June that Powell had met all the qualifications for election to Congress and had been properly chosen by his constituents and that it was therefore unconstitutional for the House to bar him from membership on the grounds of alleged misconduct during previous terms.

But the Supreme Court took no position on the "propriety" of restoring the flamboyant Harlem pastor's back pay, seniority and $25,000 fine. Those matters, the Supreme Court said, should be decided by the [illegible]

Judge Hart, of District Court, who originally heard the case five and one-half years ago, then asked lawyers for both sides to tell him what they thought should happen.

That request led to yesterday's acrimonious hearing at which both parties indicated that whatever decision Hart makes will again be taken to the Supreme Court.

Powell wants his salary [illegible] his status; lawyers for the House say he is entitled only to a legal declaration that he was improperly excluded but not to any compensation.

There appeared to be no prospect of compromise. When Bruce Bromley, the New York lawyer retained for this case by the House, asked for a chance to present the counterclaim on the misappropriated funds, Powell's attorneys said they would respond to that by showing that others had done what Powell did and he was only punished because of his race.

Arthur Kinoy, Powell's chief counsel, argued that since the exclusion was illegal, "it is perfectly obvious that he is entitled to what he would have received if the illegal conduct had not occurred."

"If the Supreme Court thought he was entitled to his salary, why didn't they say so?" Hart asked. "Are you suggesting they didn't have the courage?"

Kinoy replied that the court refrained from entering that order "out of respect for the House." The court's ruling, like the one Powell is now seeking from Hart, is declaratory, rather than coercive, because it is assumed that the House will "obey the law," he said.

As for a recent letter from Bromley implying that the House might not comply with a judgment that Powell is entitled to his salary, Kinoy said that is "the first time since Andrew Jackson that a high official of this government has raised any question about obedience to a mandate of the [illegible] Court."

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...that "if the whole thing" King said. "We won this case in the Supreme Court," he said, "we did not lose it." Without the money, the entire proceeding would be a "meaningless gesture," and the House should now accept the decision since "there is much talk in Congress about the rule of law in this country."

"There is also much talk about a judicial oligarchy running the country," Hart responded.

Hart left Powell's lawyers with this choice: either they can press their claim for the salary and seniority by filing an amended complaint before Oct. 1—and thus open themselves to a trial on the counterclaim by the House—or Hart will enter a simple judgment that will go no farther than the Supreme Court went and will say nothing about compensation.

If the case again goes to the Supreme Court it may present a problem for Chief Justice Warren E. Burger. As a member of the U.S. Court of Appeals here, he wrote the opinion upholding Judge Hart's original ruling against Powell that the Supreme Court later reversed.

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SPI-108

(POWELL)

WASHINGTON--FEDERAL DISTRICT JUDGE GEORGE L. HART JR. FORMALLY CERTIFIED TODAY THAT REP. ADAM CLAYTON POWELL WAS ENTITLED TO THE SEAT THE HOUSE DENIED HIM IN THE 90TH CONGRESS, BUT LEFT OPEN THE ISSUE OF BACK PAY.

THE COURT ORDER, A TECHNICAL REQUIREMENT UNDER THE SUPREME COURT'S RULING THAT THE HARLEM DEMOCRAT WAS UNCONSTITUTIONALLY EXCLUDED FROM THE HOUSE, WAS FILED IN THE FORM OF AN INTERIM DECLARATORY JUDGMENT.

A FINAL JUDGMENT WILL NOT BE RENDERED UNTIL LAWYERS FOR POWELL AND THE HOUSE COMPLETE DISTRICT COURT FILINGS, IF ANY, ON THEIR CONTINUED DISPUTE OVER HIS CLAIM FOR $55,000 BACK PAY.

INDICATIONS ARE THAT BOTH SIDES WILL PRESS THEIR CASES, REOPENING THE ISSUES OF ALLEGED MISUSE OF PUBLIC FUNDS BY POWELL AND WHETHER THE HOUSE ACTED LEGALLY IN LEVYING A FINE ON POWELL AS A CONDITION OF HIS SEATING IN THE CURRENT CONGRESS.

HART ALLOWED POWELL'S LAWYERS UNTIL OCT. 1 TO FILE ADDITIONAL MATERIAL, AND THE HOUSE UNTIL NOV. 1.

THE INTERIM JUDGMENT REPRESENTED A TEMPORARY SET-BACK FOR POWELL. HIS LAWYERS HAD ARGUED IT SHOULD SPECIFY THAT IN ADDITION TO HAVING BEEN ENTITLED TO HIS SEAT, HE IS NOW ENTITLED TO BACK PAY AND OTHER ALLOWANCES FOR THE TWO-YEAR PERIOD OF HIS EXCLUSION.

THIS COULD STILL BECOME A PART OF THE FINAL DECLARATORY JUDGMENT, BUT IF THE HOUSE LAWYERS HAVE THEIR WAY, IT WILL EITHER NOT BE INCLUDED OR WILL BE ACCOMPANIED BY A DECLARATION THAT POWELL OWES THE HOUSE A STILL TO BE DETERMINED OFF-SETTING SUM FOR HIS ALLEGED FINANCIAL MISDEEDS.

HART STATED IN FRIDAY'S ORDER THAT THE FINAL JUDGMENT WOULD STIPULATE POWELL IS ENTITLED TO $1,363.42 IN COURT COSTS, WITH THE LIABILITY FALLING ON THE HOUSE CLERK, DOORKEEPER AND SERGEANT-AT-ARMS IN THEIR OFFICIAL CAPACITIES. THIS ALSO WAS A TECHNICAL REQUIREMENT UNDER THE SUPREME COURT DECISION.

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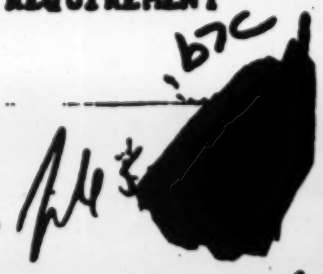

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WASHINGTON CAPITAL NEWS SERVICE

House Records Asked by IRS in Probe of Powell

By RONALD SARRO

Rep. Adam Clayton Powell of New York is under investigation by the Internal Revenue Service, Assistant Atty. Gen. Will Wilson has told the House.

Wilson indicated in a letter to Speaker John W. McCormack yesterday that the investigation is linked to charges Powell misused $40,000 in public funds.

There was no immediate comment from the office of Powell, the 25-year veteran who returned to Congress in January after being banished from 90th Congress as a result of a probe of his financial manipulations.

Asks for Records

Wilson, who heads the criminal division at the Justice Department, disclosed the investigation of Powell in asking the House for permission to use its financial records as part of the IRS probe.

The assistant attorney general said the IRS has asked the Justice Department "to review evidence" developed before a D.C. grand jury which investigated Powell, "relevant to an official investigation of Congressman Powell by the Internal Revenue Service."

The letter continued: "In order to comply with this request, it will be necessary to obtain a court order authorizing access to grand jury records.

"Since the information of interest to the Internal Revenue Service involves records furnished to the grand jury by the House, it is requested that the House authorize the Department of Justice to include relevant House records and materials in our application for a court order granting the Internal Revenue Service access to grand jury information."

Speaker McCormack referred [illegible] request to the House Judiciary Committee, which is headed by Rep. Emanuel Celler, D-N.Y., who ordered a special committee which investigated allegations against Powell leading to his ouster from the 90th Congress.

A Justice Department spokesman said the department would not go beyond Wilson's letter in discussing the investigation. An IRS spokesman said the service was barred from discussing cases it has under investigation.

The information being sought by IRS apparently includes records of travel vouchers, and payroll checks, all part of the House investigation and material subsequently turned over to the grand jury.

There was no indictment of Powell as a result of the grand jury probe last year, and the Johnson administration presumably had dropped the affair. But the Nixon administration decided to resume the criminal investigation of Powell, Wilson's letter indicated.

Prior Tax Case

Powell was indicted by a federal grand jury in New York in 1959 on three income tax fraud counts in which it was alleged that Powell evaded $1,882 in taxes on a 1951 return and on a 1952 joint return with his wife, and that he willfully filed a false income tax return for 1951 in behalf of his wife at the time, pianist Hazel Scott.

The charges were dismissed in U.S. District Court in New York, two during a 1960 trial and the third in 1961 when the government said it lacked sufficient evidence for a retrial on the third count, involving Miss Scott.

Three of Powell's secretaries were indicted on tax evasion charges in 1965 and 1966. Two were convicted and sentenced to prison terms.

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Adam Clayton Powell

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The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington) A-2
The Sunday Star (Washington)
Daily News (New York)
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New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

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Powell to Ask Top Court to Order Return of Back Pay and Seniority

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, Sept. 29—Representative Adam Clayton Powell Jr. said today that he would ask the Supreme Court to order restoration of his seniority and $55,000 in pay denied him during nearly two years of exclusion from the House.

"I'm not interested in Adam Powell," he said, flicking the ash from a tiny cigar. "I want vindication for 250 million Americans."

The Harlem Democrat flew down from New York in early afternoon to announce his latest move in his prolonged legal battle with the House, which excluded him for the alleged misuse of Congressional funds and for his refusal to obey New York courts that ordered him to pay a defamation judgment.

The Supreme Court ruled in June that Mr. Powell had been illegally excluded from the 90th Congress in 1967. The Court instructed the United States District Court for the District of Columbia to issue a declaratory judgment that Mr. Powell was entitled to be seated in that Congress.

Last month, Federal District Judge George L. Hart Jr. issued an order stating that such a declaratory judgment would be issued later.

Judge Hart gave attorneys for Mr. Powell until Oct. 1 to amend their complaint to include a challenge of the $25,000 fine imposed on the Harlem Democrat by the House when it voted to seat him last Jan. 3. The judge also gave lawyers for the House until Nov. 1 to counter the Powell claims.

Judge Hart left unresolved the question of whether Mr. Powell should receive back pay or whether his seniority in the House should be restored.

Mr. Powell said today that he had instructed his attorneys to appeal Judge Hart's preliminary order to the Supreme Court.

It was uncertain whether the lawyers have the right to go directly to the Supreme Court without first going to the Court of Appeals for the District of Columbia.

However, Mr. Powell suggested that he felt he had the power to appeal directly to the High Court since he was questioning whether the Supreme Court order in his case was being fully carried out by Judge Hart.

"I've fought too long for many things," Mr. Powell said. "I told my attorneys, 'Let's fight this thing right down to the wire.' Then we'll find out if this land is a democracy or if it's a fake."

Suggesting that he has been discriminated against by the House on the matter of back pay and seniority because he is a Negro, Mr. Powell said: "Blacks are asking the question can we prevail in the courts — can we win?"

Furthermore, he said, "men in high position are calling for law and order, law and order. For too many blacks this is a coded message — the status quo shall be maintained.

"However, in the midst of this cry for law and order, is the House to pursue a lawless course under the legalism of separation of powers, after the Court has announced the law?"

This was one of the few times that Mr. Powell has appeared on Capitol Hill this year. He has cast few votes in the House and has not attended a meetings of the House Education and Labor Committee, which he headed before his exclusion from Congress.

"Part-time pay, part-time work," Mr. Powell replied when asked if he intended to become more active in Congressional business.

He was referring to the $25,000 fine, imposed by the House last January that is being deducted from his $42,500 yearly salary.

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The Washington Post
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The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
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The Sun (Baltimore)
The Daily World
The New Leader
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The National Observer
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N.A.A.C.P. LEADER ASSAILS POWELL

Greenup Says Congressman Stirs Harlem Conflict

By THOMAS A. JOHNSON

The President of the New York branch of the National Association for the Advancement of Colored People yesterday termed Representative Adam Clayton Powell "an Uncle Tom, a fool" and a "plague on this community" in the controversy over the State Office Building to be built in Harlem.

Jeff Greenup, the N.A.A.C.P. official, was reacting to remarks by Mr. Powell on Sunday in which the Baptist preacher-politician, an opponent to the building, had asserted that Governor Rockefeller was "going to learn that his Uncle Toms don't speak for Harlem."

Mr. Greenup, who supports the proposed complex of buildings, opened a news conference at the branch's offices at 361 West 125th Street, by saying: "We feel it is imperative that we address ourselves candidly-and-bluntly to one of the

[redacted] social problems confronting our community. . . ."

Mr. Greenup called Mr. Powell, "a sometimes Congressman from this district," [illegible] charge Powell wants Harlem

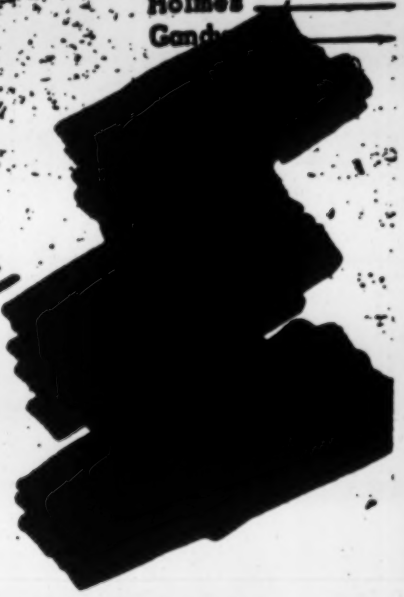
"Adam Clayton Powell," he asserted, "does not speak for the majority of the people who live and work in Harlem. I charge that Adam Clayton Powell, Uncle Tom Adam, is making a deliberate effort to stir up conflict in the community because that's what he thrives on. Is Uncle Tom Adam really upset because the [redacted] people has proven itself and the work is progressing without conflict?"

The N.A.A.C.P. leader said: "It is time the larger public, and the news media in particular, realize that Adam Clayton Powell is a hoax and really a plague on this community."

Some Harlemites objecting to the State Office Building complex say the square-block site should be used for low-cost housing and educational facilities. Other dissenters say the project should be stopped pending a referendum among residents to determine just what should be done with the site.

On the question of a referendum, Mr. Greenup said that none was needed and that the majority of Harlem residents did approve of the state office complex.

He suggested that ownership of development sites by Harlem residents was a good idea and that Harlem leaders, including himself and Mr. Powell, should counsel local people on how to take advantage of Government-sponsored programs that would lead to ownership.



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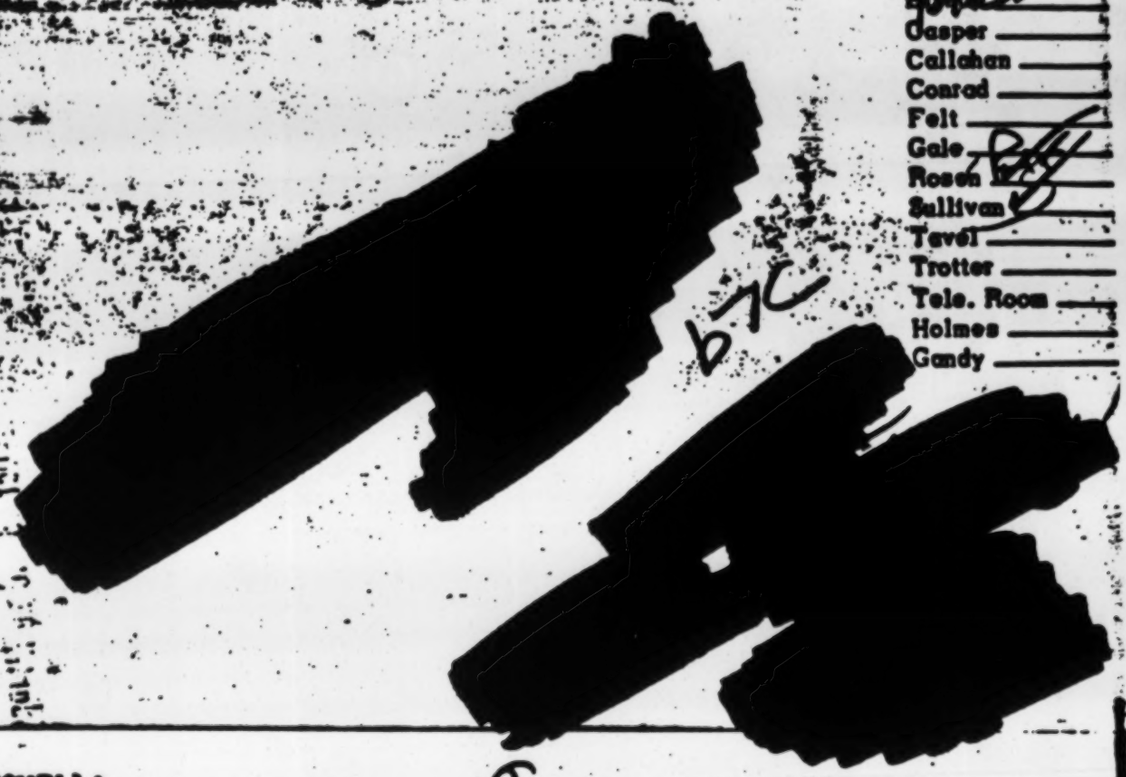

UPI-57
(POWELL)
COLUMBIA, MO.--REP. ADAM CLAYTON POWELL, D-N.Y., SAYING STUDENTS WERE THE KEYS TO CURING "OUR SICK SOCIETY," EXHORTED THE STUDENT BODY OF THE UNIVERSITY OF MISSOURI TO "SEIZE THE DEMOCRATIC NATIONAL CONVENTION IN 1972."
POWELL SAID YESTERDAY SEN. EDWARD M. KENNEDY, D-MASS., WHO FORMALLY RENOUNCED ANY CLAIMS TO THE PRESIDENCY IN 1972, WOULD PLAY A PROMINENT ROLE IN THE NEXT CONVENTION.
THE NEGRO CONGRESSMAN ALSO CALLED FOR THE U.S. TO COMPLETELY PULL OUT OF VIETNAM AND URGED STUDENTS AT MISSOURI TO PARTICIPATE IN THE SCHEDULED OCT. 15 SCHOOL BOYCOTT.
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